HOUSE OF REPRESENTATIVES—*Monday, June 24, 1991*

The House met at 12 noon.

The Reverend Dr. Ronald F. Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, source of all that is true, creator of all that is good, Father of all people, everywhere:

Grant, we pray, wisdom to leaders of nations, especially the President, the Members of Congress, and judges of this land. May truth be discerned with equity, justice pursued with diligence.

Renew, we pray, a sense of beauty and awe in Your created order.

May we not harm as much as help, waste as much as wonder; and give gratitude in our hearts for our families.

May past generations not be forgotten;

May parents be loving and patient; and

May our sons and daughters be blessed with Your grace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Michigan [Mr. CAMP] will please come forward and lead the House in the Pledge of Allegiance.

Mr. CAMP led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 249. An act for the relief of Trevor Henderson.

The message also announced, that, pursuant to Public Law 101-509, the Chair, on behalf of the Republican leader, announces his appointment of Dr. Donald R. McCoy, of Kansas, to the Advisory Committee on the Records of Congress.

THE 438TH MILITARY POLICE UNIT OF THE KENTUCKY NATIONAL GUARD SAYS: PLEASE DO NOT FORGET US

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, "Please don't forget us. Please don't forget us." That plaintive refrain was made to me from Saudi Arabia on Saturday in a phone call I had with Captain Scully, who is the commanding officer of the 438th Military Police National Guard unit which is stationed in Louisville, my hometown and congressional district.

Captain Scully's 130 men and women have been in the gulf since February. They feel that their military mission has been accomplished, and that was underscored to me at the meetings I had at the Buechel Armory on Saturday, at which I heard from the parents and relatives and spouses of these men and women.

They feel their job is over, Mr. Speaker, and that they, the reservists and the guardsmen, ought to come home. They do, after all, have jobs, and they have schools to attend.

I hope, Mr. Speaker, that the President, Secretary Cheney, General Powell, and all the rest will bring those folks back home.

I am wearing a little button today which says, "Til they all come home." Let us not forget at the parades on the Fourth of July, which will take place in just a few days, that not all our troops are back yet. The 438th is not back home, and I pledge to do all I can to get them back home as soon as possible.

REFUTATION OF ALLEGATIONS AGAINST NED UNIT IN COSTA RICA

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, in recent days, there have been allegations by Members of this body of improper activities in Costa Rica by the National Republican Institute for International Affairs, a part of the National Endowment for Democracy.

The Republican Institute's activities in Costa Rica have been public, on the record and clearly within its charter and that of the National Endowment of Democracy. The accusations about the Institute's work suggests a political motivation reflecting the intense Presidential campaign which occurred in Costa Rica 2 years ago.

Since the allegations made about the Republican Institute's activities in Costa Rica are not true, I am placing in the RECORD today a point-by-point rebuttal. I urge my colleagues to consider carefully the Republican Institute's statements before accusing it of improper actions in Costa Rica.

MORE SHOCKING REVELATIONS IN THE S&L DEBACLE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the savings and loan disaster may be the most blatant example of Government waste, mismanagement, incompetence, neglect, and favoritism in the history of the United States. When we see what it is going to cost the taxpayers, it is absolutely shocking.

But even more shocking is how the FDIC is dealing with this. We should remember that this agency is funded by the American taxpayer, and they are proceeding to settle these savings and loan cases in sealed court decisions. Yes, the taxpayers can pay the bill, but they cannot see what happened.

We just finished the one in the Silverado case in Colorado. The taxpayers are going to be on the hook for $950 billion. They sealed the decision on the $49 million that they assessed to the people who were really at fault, and actually we now find out that over $23 million of that was taxpayer-funded money, too. So we are going to pay even more.

Mr. Speaker, I think the taxpayers should be getting much more response from the administration and from everyone else. To continue thumbing their noses at the taxpayers who are left holding the bag is absolutely outrageous.

"TAX FAIRNESS" IS HITTING THE MIDDLE CLASS AND CAUSING JOBS TO BE LOST

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, remember the budget reconciliation bill passed by Congress last year? To reach

a deal, some Members of Congress agreed to "soak the rich" and pile on new taxes on so-called luxury items. The new tax hit automobiles above $30,000, yachts above $100,000, and aircraft above $250,000.

The Joint Committee on Taxation indicated this tax would raise nearly $1.5 billion between 1991 and 1995. The 10-percent excise tax would be mere pocket change for the wealthy. The tax took effect on January 1, 1991. Not long after, a funny thing happened. People stopped buying new boats, cars, and planes.

Bustling boat yards around the country began to close. Layoffs have followed in other industries. For instance, 275 dedicated and loyal employees who produced fiberglass for yachts at the PPG plant in Shelby, NC, have been laid off.

Obviously, putting people out of jobs has not done much for "revenue enhancement." The unemployed cannot send taxes to the U.S. Government.

The point to make however, is that when Congress tried to soak the rich, a lot of hard-working average American citizens paid the price—with their jobs. Join with me by working for true tax fairness and opposing these burdensome taxes.

QUALITY NOT THE ISSUE—TOO MANY IMPORTS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the big three automakers lost a record $4.7 billion in the last two quarters. Experts now warn that both Chrysler and Ford could collapse and could be on the ropes.

But let us get off the "quality" crap around here. An MIT study says that 80 percent of the auto manufacturing plants in the United States that are free of defects and tops in quality are American plants. The truth is that there are just too many cars, too much capacity.

□ 1210

Mr. Speaker, Congress has turned America into a giant flea market, and does not even charge table space. The truth of the matter is, we cannot even ship a couple hundred sacks of rice to Japan, unless we are nice. Think about it.

CONGRESS: A BROKEN RECORD

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, some observers comment that this body sounds like a broken record. Every year we seem to go round and round on the same issues, sort of a perpetual "play it again Sam" program. Well, here we are, poised once again to vote on the Interior appropriations bill, legislation that has traditionally been the focal point of intense debate over oil drilling. Every year, those of us who believe that drilling for oil in environmentally sensitive waters is unsound and shortsighted, line up to oppose such activity. And every year, there are those who advocate more drilling because they believe oil is the proven answer to our energy needs. The people of the coastal United States that I represent now know that the whole "to drill or not to drill" debate misses the mark. They are urging that we debate a longer-term vision of how we are going to meet our country's growing energy needs with conservation and alternative energy resources. Instead of just playing the same song over and over again, with the same old refrain, "More drilling, more drilling, more drilling." Let's look to a more comprehensive energy approach.

S&L BAILOUT IS A HUGE TAX INCREASE

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, I rise today to briefly touch upon one of the major crises facing this country, and that is the continued bailout of the savings and loan industry, and they are now talking about another $100 billion, and the very precarious condition of the commercial banks who may also soon be in need of a major infusion of taxpayer money.

I wish to make two brief points:

First, I will not, and I hope you will not, vote another penny for the S&L bailout, or a bailout of the commercial banks, unless we make absolutely certain that it will not be the working people, the elderly, or the poor who end up paying for the bailout. This bailout is nothing more than a huge tax increase, and it is imperative that the wealthiest people in this country, the people whose incomes have soared and whose tax burdens have declined during the last decade shoulder the cost, and not working people or the middle class, who have seen a decline in their standard of living while their tax burden has increased.

Second, as a member of the House Banking Committee, I want to express deep concerns about the President's bank proposals which will give greatly expanded powers to the banks. Mr. Speaker, the taxpayers of this country are currently spending hundreds of billions of dollars in bailout money because of the fraud, mismanagement, and extremely irresponsible investment practices of the banking community, both in the S&Ls and the commercial banks. Given that reality and that track record, it seems to me to be the height of folly to give these same people even more power than they have now. I do not intend to support the President's proposal.

TREAT ESCOBAR AS ONE OF WORLD'S MOST WANTED CRIMINALS

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, one of the world's most ruthless and dangerous criminals, billionaire drug baron, Pablo Escobar, leader of Colombia's Medellin cocaine cartel, surrendered last week. He was joined in his surrender by his top lieutenants and his brother Roberto. While there should be some celebrating the jailing of the Escobars, unfortunately I am reluctant to celebrate at this early stage in the judicial process.

I am concerned that we will be subjected to Escobar's continued dealings as he conducts business as usual. Pablo Escobar has negotiated his surrender and is now being housed in a private, luxury jail overlooking his hometown of Envigado. His surrender was conditioned upon Escobar's being able to direct who will guard him, the banning of police from the prison, and a special mesh roof on the prison designed to repel any potential aerial attacks. This deal was completed just hours after the Colombian Government agreed to ban extradition.

Despite destroying thousands of lives world wide, both by assassination and by providing poisonous drugs to the world's youths, Pablo Escobar was guaranteed a reduced sentence by the Colombian Government. Mr. Speaker, I ask, is this justice? Is this the example we want to set for treatment of one of the world's most wanted criminals?

I fear this lenient slap-on-the-wrist treatment will do absolutely nothing to halt this man's heinous operations that are wreaking havoc throughout this world. I fear this savage being will continue to conduct business as ususal with the new headquarters located at his luxury hotel which he and the Colombian Government are labeling a prison. And when his term is completed, Escobar will pick up where he left off, resuming his No. 1 position in the Medellin cartel.

I commend the Colombian Government's overall efforts, but I urge them to administer sterner treatment of the world's No. 1 drug trafficker, Pablo Escobar. I hope a cloak is not being thrown over the world's eyes as we witness the arrest of this horrible man.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today.

FORT SMITH MUNICIPAL AIRPORT, FORT SMITH, AR

Mr. ROE. Mr Speaker, I move to suspend the rules and pass the bill (H.R. 2132) to authorize the Fort Smith Airport Commission to transfer to the city of Fort Smith, AR, title to certain lands at the Fort Smith Municipal Airport for construction of a road.

The Clerk read as follows:

H.R. 2132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER AUTHORITY.

Notwithstanding section 511(a)(14) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2210(a)(14), including any rule or order issued or grant assurance made to carry out such section), the Fort Smith Airport Commission may transfer, without monetary consideration, to the city of Fort Smith, Arkansas, title to such lands within the boundaries of the Fort Smith Municipal Airport as may be necessary to construct a road connecting Massard Road, south of Rogers Avenue, to the terminus of Phoenix Avenue at Interstate Route 540 if the conditions set forth in section 2 are met.

SEC. 2. CONDITIONS.

The transfer described in section 1 shall be subject to the following conditions:

(1) The city of Fort Smith, Arkansas, will close to public use—

(A) the road located within the boundaries of the Fort Smith Municipal Airport, formerly known as the Airport Loop Road; and

(B) those portions of South Louisville Road, South 66th Street, and South 74th Street, that are located within such boundaries.

(2) The city will transfer, without monetary consideration, to the Fort Smith Airport Commission title to the lands on which the road and portions of roads described in paragraph (1) are situated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 2132 authored by the distinguished ranking Republican member of the committee, JOHN PAUL HAMMERSCHMIDT.

The Fort Smith Airport needs a release from assurances that the airport made to the Federal Aviation Administration when the airport purchased land with Federal Airport Improvement Program funds. At that time, Fort Smith assured the FAA that if it sold the property purchased, the airport would receive fair market value. Now, the airport wants to swap land with the city to permit a new road to be built.

The parcels of land being swapped are roughly comparable in size; however some FAA officials have indicated that such a swap may not technically meet the fair market value test.

It appears to me that a land swap of the type being proposed here leaves the airport whole. The bill simply permits this land swap to go forward, irrespective of whether the land swap technically constitutes fair market value. Authorizing the land swap will provide a safety enhancement at the Fort Smith Airport because after the new road is built the airport can close an old road which is too close to a runway and a radar facility. The new road will improve access to the airport relieving congestion and promoting efficiency.

I urge the House to pass this bill, and I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill to permit the airport in Fort Smith, AR, to transfer land to the city of Fort Smith. The city will use this land to build a road called the Phoenix Avenue Extension, portions of which will go through airport property.

Under current law, section 511(a)(14) of the Airport and Airway Improvement Act, an airport usually must receive fair market value for land that it transfers.

However, in this case the airport wants to transfer the land for the Phoenix Avenue Extension without receiving payment from the city. Instead, it will do a land swap. It would give land to the city for the Phoenix Avenue Extension. In return, the city will close the street known as the Airport Loop Road, which goes through airport property, and give the land for this road to the airport.

The loss to the airport by giving up the land for the Phoenix Avenue Extension would be 13 acres. The gain to the airport by acquiring the Airport Loop Road would be 12 acres. There seems to be some disagreement within FAA as to whether this land swap constitutes the fair market value required under current law.

The legislation before us now is needed to clarify this situation and allow the land transfer to go forward.

The FAA has indicated that it has no problem with this legislation. They recognize that the Phoenix Avenue Extension will improve access to the airport and that closure of the Airport Loop Road would enhance airport security by removing public access to areas near the runway and the radar.

It should be emphasized that this legislation does not authorize any money for the road. It merely clears away any legal roadblocks that may exist that could prevent the city from acquiring the land needed to construct that road.

Mr. Speaker, I would like to thank the Honorable BOB ROE, Chairman of the Public Works Committee; the Honorable JAMES OBERSTAR, chairman of the Aviation Subcommittee; and the ranking member of the Aviation Subcommittee, the Honorable BILL CLINGER, for helping to bring this measure to the floor.

Mr. Speaker, I urge my colleagues to vote for this legislation.

□ 1220

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the bill, H.R. 2132.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GARY REGIONAL AIRPORT, GARY, IN

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 470) to authorize the Secretary of Transportation to release the restrictions, requirements, and conditions imposed in connection with the conveyance of certain lands to the city of Gary, IN, as amended.

The Clerk read as follows:

H.R. 470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF CERTAIN RESTRICTIONS.

(a) RELEASE.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 29, 1947), the Secretary of Transportation is authorized, subject to the provi-

sions of section 4 of the Act of October 1, 1949 (50 U.S.C. App. 1622c), and the provisions of subsection (c), to grant a release or releases, without monetary consideration, with respect to the restrictions, requirements, and conditions imposed on the property described in subsection (b) by a quitclaim deed conveying such property to the city of Gary, Lake County, Indiana, dated May 29, 1947.

(b) DESCRIPTION OF PROPERTY.—Those lands incorporated in the Reconstruction Finance Corporation project known as Tracts A and C of Plancer 1035, Rubber Synthetics, Gary, Indiana (WAA No. R-Ind. 6), legally described as follows:

That part of the east one-half of section 35, township 37, range 9 west of the second principal meridian, lying between the C.L.S. & E. Railroad and the Grand Calumet River, and that part of the west one-half of section 36, township 37, range 9 west, lying between United States Highway 12 and the Grand Calumet River, and that part of the southeast quarter of section 36, township 37, range 9 west, lying between United States Highway 12 and the Grand Calumet River, and that part of the southeast quarter of section 26, township 37, range 9 west, lying between the C.L.S. & E. Railroad and United States Highway 12, all in the city of Gary, Lake County, Indiana. Tract A is composed of 476.885 acres, and Tract C is composed of 133.971 acres. Total area is approximately 610 acres, with all its appurtenances, being a part of the same property acquired by the Defense Plant Corporation under that certain warranty deed executed by the Gary Land Company, an Indiana corporation, dated August 25, 1942, and filed for record in the Recorder's Office of Lake County, Indiana, on October 9, 1942, as document number 742127, in book number 666, page 278, and that certain warranty deed executed by the Elgin, Joliet and Eastern Railroad Company, an Illinois and Indiana corporation, dated December 22, 1942, and filed for record in the Recorder's Office of Lake County, Indiana, on December 23, 1942, as document number 82584, in book 670, page 68.

(c) LIMITATION ON USE OF AMOUNTS RECEIVED.—Any amounts received by the city of Gary, Indiana, for use of property governed by a release granted by the Secretary of Transportation under this section shall be used by the city for development, improvement, operation, or maintenance of the Gary Regional Airport.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 470 authored by our distinguished colleague from Indiana, PETE VISCLOSKY. The bill is a straight-forward measure that simply releases the Gary, IN, Airport from restrictions placed on the use of the airport property when it was deeded to Gary by the Federal Government in 1949. According to the restriction placed in the deed, Gary is required to use all of the land for airport purposes or risk it reverting back to the Federal Government.

The city of Gary would like to create the opportunity for a foreign trade zone to be established at the Gary Airport. Since the use of land for a foreign trade zone is technically not an airport purpose, Gary needs this bill enacted in order to establish the zone. The committee has been informed by the Federal Aviation Administration that the land in question is not needed for aviation purposes at the airport. We have also been told by FAA that a foreign trade zone will, in fact, further enhance the economic vitality of the airport's operations. The city of Gary would like to see a foreign trade zone established in order to attract economic development and employment. I believe it is a reasonable and responsible way to use this land.

Mr. Speaker, while this bill may appear to be a minor technical matter, let me emphasize that this bill is about job creation and improving the quality of life of hundreds of people who could obtain work at a foreign trade zone in Gary. This legislation is very important for Gary and the surrounding area. I commend the gentleman from Indiana for his vigorous pursuit of this matter.

I urge our colleagues to pass the bill, and I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill.

It is quite similar in its intent to my bill, H.R. 2132. Both bills would allow airport land to be used for a nonaviation, but otherwise worthwhile purpose.

In this case, the bill would allow airport land to be used as a foreign trade zone. According to the FAA, this will not interfere with the current or future operation of the airport.

Moreover, as amended by the Public Works Committee, this bill would make clear that any revenues derived from the foreign trade zone must be used for airport purposes.

These types of deed restriction removal bills are commonly passed by the House. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I would first like to thank Chairman ROE and Congressman HAMMERSCHMIDT for bringing this bill I introduced, H.R. 470, to the floor today.

This legislation will remove restrictions placed on two tracts of land at the Gary Regional Airport. The restrictions, which prohibit the use of the parcels for nonaviation purposes, were placed on the land when it was deeded to the city of Gary in 1942 by the War Assets Administration. All agree that these restrictions are dated and their removal at this time is necessary so that the Gary Airport Authority may proceed with their plans to establish a foreign trade zone at the facility.

The last decade was very hard on northwest Indiana and the city of Gary particularly. The rescession in the early 1980's and the dramatic restructuring of the steel industry, the region's primary employer, resulted in unemployment rates that were the highest in the State. Thousands of families were forced to move to seek other opportunities.

However, there are strong indications that we have turned the corner and I am optimistic about the future. In Gary, the airport is one of the cornerstones that can be utilized to revitalize the city and help enhance the economic growth of the entire region. Since being elected to Congress, I have worked with local, State, and Federal officials to assist in the development of the Gary Regional Airport. The bill before the House today will spark continued development of the airport and will provide it with added momentum in the final stretch of the site selection process for designation of the area's third major airport.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the bill, H.R. 470, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAPBOX DERBY

Mr. ROE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 173) authorizing the use of the Capitol Grounds for the Greater Washington Soapbox Derby.

The Clerk read as follows:

H. CON. RES. 173

Resolved by the House of Representatives (the Senate concurring), That, the Greater Wash-

ington Soap Box Derby Association ("Association") shall be permitted to sponsor a public event, soap box derby races, on the Capital grounds on July 13, 1991, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate. Such event shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event. For the purposes of this resolution, the Association is authorized to erect upon the Capital grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment, as may be required for the event. The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 173.

This resolution would authorize the Greater Washington Soap Box Derby races to be run on the Capitol Grounds on Saturday, July 13, 1991. This event would be sponsored by the local affiliate of the All-American Soap Box Derby, the Greater Washington Soap Box Derby Association.

Mr. Speaker, as this resolution is noncontroversial and as timing is critical in order to prepare for the event, we are proceeding directly to the floor today.

The races and the preparations for them provide important benefits to our youth. These include teaching basic skills in mechanics and aerodynamics as well as pride in workmanship, the joy of competition and family togetherness.

Under the resolution, the association, as the sponsor, would assume all responsibility for expenses and any liability related to the event the association would also make its arrangements for the races with the approval of the Architect of the Capitol and the Capitol Police Board.

Mr. Speaker, I urge adoption of this resolution, and I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 173 which will allow the Greater Washington Soap Box Derby to be run on the downward slope of Constitution Avenue. Although this event has been a yearly occurrence for the last 50 years, this will be the first time that it will be held on Capitol Grounds. Not only is the event fun for the entire family but it teaches the young participants the basics of mechanics and aerodynamics as they design and build their soap boxes for the derby.

The downward slope of Constitution Avenue on the Senate side of the Capitol provides the ideal "soap box run" for the 30–40 expected participants from around the Greater Washington area. It is not often that the U.S. Congress can contribute to the art of the Soap Box Derby, thus it is fitting and appropriate that we allow the Greater Washington Soap Box Derby Association to use our "Hill."

Mr. Speaker, I urge my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

□ 1230

Mr. ROE. Mr. Speaker, I thank the distinguished gentleman.

Since this is a very important transportation matter, I have the honor to defer to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I want to thank Representative ROE, chairman of the House Public Works Committee, and the ranking minority member, Representative HAMMERSCHMIDT, for their strong support and assistance in expediting consideration of this measure, today.

This resolution simply authorizes the use of Constitution Avenue NE, between Delaware and Third, for the Greater Washington Soap Box Derby competition—part of the All-American Soap Box Derby—on July 13.

The Architect of the Capitol and the Sergeant at Arms, as is the usual practice, will negotiate a licensing agreement with the local Derby Association to assure that there will be complete compliance with rules and regulations governing the uses of Capitol Grounds. This year's race will mark the 54th running of the Derby.

The local competition offers girls and boys, aged 9 to 16, an invaluable opportunity to develop and practice both sportsmanship and engineering skills. Although the Derby focuses attention on the young people, it is actually a family event.

It is entirely appropriate that this event, the Derby's Washington region competition which attracts young people from the District of Columbia, northern Virginia, eastern Maryland and Baltimore, be held near the center of this community.

Young people deserve, and we owe them every opportunity to not only participate in these kinds of activities, but to see others participating in them.

As Ken Tomasello, the director of the Metropolitan Washington Soap Box Derby Association said to me:

In short, while it (the Derby) doesn't keep kids "off the street", it does give them a drug-free activity "on the street."

This resolution supports just that kind of effort right here in our backyard. These kids and those who will be watching them will have a street that is safe, and which provides them with the visibility that this kind of event deserves.

Again, I want to thank the chairman and ranking minority member for their help, as well as Speaker FOLEY for his interest in this project.

I urge my colleagues to support the resolution.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 173.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 173, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RE-REFERRAL OF H.R. 1178, RAILWAY LABOR ACT AMENDMENTS, TO COMMITTEE ON ENERGY AND COMMERCE AND COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Mr. ROE. Mr. Speaker, I ask unanimous consent that the bill H.R. 1178, amending the Railway Labor Act to provide that a majority of valid votes cast by members of a craft or class of employees shall determine the representative of such craft or class for purposes of such act, be re-referred jointly to the Committee on Energy and Commerce and the Committee on Public Works and Transportation.

This request has been cleared with the minority leadership of the House and with the majority and minority of the Committee on Energy and Commerce.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RE-REFERRAL OF H.R. 2366, ECONOMIC ADJUSTMENT ASSISTANCE AUTHORIZATION ACT OF 1991, TO COMMITTEE ON ARMED SERVICES, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, AND COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Mr. ROE. Mr. Speaker, I ask unanimous consent that H.R. 2366, the Economic Adjustment Assistance Authorization Act of 1991, be re-referred jointly to the Committee on Armed Services, the Committee on Banking, Finance and Urban Affairs, and the Committee on Public Works and Transportation.

This request has been cleared with the minority leadership of the House and with the majority and minority of the Committees on Armed Services and Banking, Finance and Urban Affairs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FEDERAL MARITIME COMMISSION AUTHORIZATION FOR FISCAL YEAR 1992

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1006) to authorize appropriations for fiscal year 1992 for the Federal Maritime Commission, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATION.

In fiscal year 1992, $17,974,000 is authorized to be appropriated for the use of the Federal Maritime Commission.

SEC. 2. WAIVERS FOR CERTAIN VESSELS.

(a) Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the following vessels:

(1) ARGOSY (United States official number 528616).

(2) BILLFISH (United States official number 920896).

(3) CUTTY SARK (United States official number 282523).

(4) JIGGS (United States official number 208787).

(5) LOIS T (United States official number 668034).

(6) MARCIA (State of Maryland registration number MD6814P).

(7) NUSHAGAK (United States official number 618759).

(8) PHOENIX (United States official number 655712).

(9) PURE PLEASURE (United States offical number 968163).

(10) STARLIGHT VIII (United States official number 910317).

(11) WINDWARD III (United States official number 552289)

(b) Notwithstanding section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289) and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the following inflatable vessels may engage in the coastwise trade:

(1) Serial number 3968B, model number J990.

(2) Serial number 4581B, model number J990.

(3) Serial number A501A, model number D989.

(4) Serial number A502A, model number D989.

(5) Serial number 6291C, model number G091.

(6) Serial number 6300C, model number G091.

(7) Serial number 7302C, model number G091.

(8) Serial number 7305C, model number G091.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes, and the gentleman from South Carolina [Mr. RAVENEL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1006, a bill to authorize appropriations for the Federal Maritime Commission for fiscal year 1992. The funds authorized by this bill will enable the FMC, an independent agency, to carry out its responsibilities to administer and enforce the statutes affecting our waterborne foreign and domestic commerce.

H.R. 1006 authorizes the appropriation of $17,974,000 for the Commission for fiscal year 1992. This amount is identical to the administration's budget request.

It is an increase of $2,080,000 over the fiscal year 1991 authorization and appropriation. This increase will fund higher personnel costs, building rent, and other administrative costs.

Fiscal conservatives will be pleased to hear that, in fiscal year 1990, the FMC collected in excess of $25 million in fines and penalties—160 percent of its budget.

In the first 7 months of fiscal year 1991, over $21 million has been collected—135 percent of its budget. How many Federal agencies collect more revenues than they spend?

On May 2, 1991, the Committee on Merchant Marine and Fisheries marked up H.R. 1006, and unanimously ordered it reported to the House.

The bill also authorizes the Secretary of Transportation to issue certificates of documentation in the coastwise trade of the United States for a number of privately owned vessels.

Mr. Speaker, I reserve the balance of my time.

Mr. RAVENEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1006 the fiscal year 1992 authorization of appropriations for the Federal Maritime Commission.

H.R. 1006 authorizes $17,974,000 for fiscal year 1992. This funding level, which is identical to the administration's budget request, represents an increase of $2,080,000 over the fiscal year 1991 appropriation. This increase in funding authority will take care of additional personnel costs, the rent for the building that houses the agency, and other administrative costs.

The Federal Maritime Commission [FMC] is the independent regulatory body that administers a number of important shipping laws governing both domestic and international shipping activities. The primary responsibility of the FMC is to monitor shipping practices of ocean common carriers, marine terminal operators, shippers, and others involved in shipping activities in the U.S.-foreign commerce. One of the key elements of the agency's activities is to ensure that the tariffs filed with the FMC are honored and that shipping practices are carried out fairly.

As part of the FMC's responsibilities in enforcing these shipping laws, during fiscal year 1990 the agency collected over $25 million in fines and penalties and $155,000 in various fees. These funds, which were deposited into the U.S. Treasury, represent more than $10 million more than the entire appropriation for the Commission for that fiscal year. In other words, Mr. Speaker, the FMC has been making money for the Federal Government and has been helping to offset some of our budget deficit problems.

Mr. Speaker, I would like to take a brief moment to comment on one item contained in the committee amendment under consideration today. The Merchant Marine and Fisheries Committee has considered a number of bills which Members have introduced to allow privately owned vessels to be documented for coastwise privileges. The committee looked at these bills and determined that there are good reasons to provide legislative authorization to allow the vessels involved to be documented.

One vessel included in this legislation is the fishing vessel *Billfish*. The owner of this U.S.-built fishing vessel has been unable to supply evidence to the Coast Guard of the complete chain of title for this boat. Without that evidence the Coast Guard is not able to grant the appropriate documents to enable the boat to accept passengers for hire. I introduced the original legislation on the fishing vessel *Billfish* and I am delighted to see it included in this committee amendment.

I urge all of our colleagues to join Chairman JONES and myself in supporting H.R. 1006. This is a good bill; it reflects the wishes of our President in the terms of the budget; and it should be enacted.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the FMC's primary mission is to ensure an equitable trading environment for all parties in our ocean trade. The agency seeks to eliminate discriminatory or unfair trade practices which are detrimental to both U.S.-flag ocean carriers and exporters and importers in our foreign trade.

As an example, earlier this month, the FMC announced success as a result of its investigation into the controversial Japanese harbor management fund. U.S.-flag carriers had alleged that they paid a disproportionate share into this fund and received no benefits from it.

The Federal Maritime Commission invoked its authority under the Foreign Shipping Practices Act—a law that I authored in 1988 to combat discriminatory practice against our carriers by foreign entities.

As a result of the FMC investigation and the prospects of sanctions under the act, Japan will significantly modify the fund, use the levies for genuine maritime purposes that benefit all carriers, and stop collecting it altogether in the near future. I congratulate the FMC for its aggressive use of the Foreign Shipping Practices Act and section 19 of the Merchant Marine Act of 1920.

The FMC also is vigorously pursuing remedies to combat unfair restrictions United States carriers currently face doing business in Korea. I encourage the Commission in these endeavors. Next month, a high level United States Government delegation will visit Korea for discussions with maritime officials there. I sincerely hope that the Government of Korea will take this opportunity to announce the elimination of these discriminatory restrictions on United States-flag carriers doing business in that country.

Mr. Speaker, H.R. 1006 has the unanimous support of the members of the Committee on Merchant Marine and Fisheries and the full support of the administration. The bill deserves the support of this House, and I urge its passage.

□ 1240

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 1006, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1006, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

J.E. "EDDIE" RUSSELL POST OFFICE BUILDING

Mr. MCCLOSKEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 674) to designate the U.S. Post Office located at 304 West Commercial Avenue in Monterey, TN, as the "J.E. 'Eddie' Russell Post Office," as amended.

The Clerk read as follows:

S. 674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The building in Monterey, Tennessee, which houses the primary operations of the United States Postal Service (as determined by the Postmaster General) shall be known and designated as the "J.E. (Eddie) Russell Post Office Building", and any reference in a law, map, regulation, document, paper, or other record of the United States to such building shall be deemed to be a reference to the J.E. (Eddie) Russell Post Office Building.

SEC. 2. TECHNICAL CORRECTIONS.

Title 39, United States Code, is amended—

(1) in section 3001, by redesignating the 2 subsections immediately following the first subsection (i) as subsections (j) and (k), respectively; and

(2) in section 3005(a), by striking "section 3001(d), (f), or (g)" each place it appears and inserting "3001(d), (h), or (i)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. MCCLOSKEY] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill passed the Senate on March 14 of this year and a companion bill—H.R. 966—was introduced by our colleague from Tennessee, Congressman BART GORDON.

Naming the post office building located at 304 West Commercial Avenue, Monterey, TN, as the "J.E. (Eddie) Russell Post Office" would be a fitting tribute to a man who began a career with the U.S. Postal Service as a letter carrier and ended that career, almost 20 years later, as the Monterey, TN, postmaster.

Mr. Russell's love for the postal service did not stop at the end of a hard days' work. Eddie Russell was an active member of the Tennessee chapter of the National Association of Postmasters and served, with distinction, as the vice president of this organization for 3 long years. The Postal Service has lost a valued employee with Mr. Russell's untimely death. It would be a fitting tribute for the post office building in Monterey, TN, that Mr. Russell was instrumental in getting for the community, to bear his name.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority has unanimously approved this legislation.

Mr. MCCLOSKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this legislation pays tribute to fine servant of the people of Tennessee and of the United States.

Mr. Speaker, many people worked hard to bring this bill to fruition, and I want to compliment and thank all those who assisted, particularly the chairman of the committee, Mr. CLAY; the ranking member, Mr. GILMAN; and the ranking member of the Postal Operations Subcommittee, Mr. HORTON.

I especially want to thank the chairman of the Postal Operations Subcommittee, the gentleman from Indiana [Mr. MCCLOSKEY] and his fine staff as well as the staff of the committee.

And I want to praise the people of Monterey, TN, for suggesting the renaming of their post office and for working to bring it about.

Mr. Speaker, Eddie Russell was a career postal employee who worked hard for many years to serve the people of his community, his State and his country. Eddie Russell saw that his community needed this post office, and he is credited with being instrumental in obtaining the new building.

The old post office in Monterey had fallen into very bad repair. The roof failing, and water poured in when it rained. More than once, mail got wet. Mr. Russell felt that it was his responsibility to protect the mail, and he worked diligently to fulfill that responsibility.

Finally, Mr. Russell's work paid off, and a new post office building was begun. But, tragically, he was stricken with bone marrow cancer while construction was in progress. He died before the facility he had worked so hard to bring about was completed.

The people of Monterey thought so much of their late postmaster that they organized a petition drive in support of naming their new post office in his honor, and they brought their interest to the attention of their elected representatives.

Eddie Russell was a native of Carthage, TN. He attended Cumberland College in Lebanon, TN. He was a member of the Mount Tabor Missionary Baptist Church.

He was employed by the Upper Cumberland Electric Membership Cooperative in Carthage, TN, for 6 years, but physical injuries forced him to leave a promising career with the cooperative.

He went to work for the Postal Service, first in Carthage, then as Postmaster in Baxter, TN, and finally as Postmaster in Monterey, TN, until his life was cut tragically short.

Mr. Speaker, let us go forward and pass this bill naming the Monterey post office in honor of Eddie Russell, a dedicated servant of his community and an outstanding employee of the U.S. Postal Service.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

Mr. MCCLOSKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. MCCLOSKEY] that the House suspend the rules and pass the Senate bill, S. 674, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An act to designate the building in Monterey, Tennessee, which houses the primary operations of the United States Postal Service as the 'J.E. (Eddie) Russell Post Office Building,' and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCLOSKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 674, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

FEDERAL EMPLOYEE REDUCTION-IN-FORCE NOTIFICATION ACT

Mr. KANJORSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1341) to amend title 5, United States Code, to require that a Federal employee be given at least 60 days' written notice before being released due to a reduction in force, as amended.

The Clerk read as follows:

H.R. 1341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employee Reduction-in-Force Notification Act".

SEC. 2. NOTICE REQUIREMENTS.

Section 3502 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) Except as provided under subsection (e), an employee may not be released, due to a reduction in force, unless—

"(A) such employee and such employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (2), at least 60 days before such employee is so released; and

"(B) if the reduction in force would involve the separation of a significant number of employees, the requirements of paragraph (3) are met at least 60 days before any employee is so released.

"(2) Any notice under paragraph (1)(A) shall include—

"(A) the personnel action to be taken with respect to the employee involved;

"(B) the effective date of the action;

"(C) a description of the procedures applicable in identifying employees for release;

"(D) the employee's ranking relative to other competing employees, and how that ranking was determined; and

"(E) a description of any appeal or other rights which may be available.

"(3) Notice under paragraph (1)(B)—

"(A) shall be given to—

"(i) the appropriate State dislocated worker unit or units (referred to in section 311(b)(2) of the Job Training Partnership Act); and

"(ii) the chief elected official of such unit or each of such units of local government as may be appropriate; and

"(B) shall consist of written notification as to—

"(i) the number of employees to be separated from service due to the reduction in force (broken down by geographic area or on such other basis as may be required under paragraph (4));

"(ii) when those separations will occur; and

"(iii) any other matter which might facilitate the delivery of rapid response assistance or other services under the Job Training Partnership Act.

"(4) The Office shall prescribe such regulations as may be necessary to carry out this subsection. The Office shall consult with the Secretary of Labor on matters relating to the Job Training Partnership Act.

"(e)(1) Subject to paragraph (3), upon request submitted under paragraph (2), the President may, in writing, shorten the period of advance notice required under subsection (d)(1) (A) and (B), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

"(2) A request to shorten notice periods shall be submitted to the President by the head of the agency involved, and shall indicate the reduction in force to which the request pertains, the number of days by which the agency head requests that the periods be shortened, and the reasons why the request is necessary.

"(3) No notice period may be shortened to less than 30 days under this subsection.".

SEC. 3. APPLICABILITY.

The amendment made by section 2 shall apply with respect to any personnel action taking effect on or after the last day of the 90-day period beginning on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. KANJORSKI] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. KANJORSKI].

GENERAL LEAVE

Mr. KANJORSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1341, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KANJORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1341, the Federal Employees Reduction-in-Force Notification Act requires the Federal Government to provide Federal employees a minimum of 60-day advance notification of a reduction in force.

During the 101st Congress, the Subcommittee on Human Resources held several hearings on the impact of base closures on civilian personnel. During those hearings, witnesses testified that in order to accommodate and place separated employees in Job Training Partnership Act programs they need at least 2 months notification. I believe Federal employees who will lose their jobs deserve a minimum 60-day requirement.

Currently, the Code of Federal Regulations requires agencies to notify employees 30 days in advance of a reduction in force. During subcommittee hearings this past April, the General Accounting Office [GAO] testified that a majority of Federal agencies provide written notice 60 days in advance of a RIF. Under current regulation, agencies can provide a general RIF notice to employees 60 days in advance but not actually inform the employee they will be let go until 10 days before separation. This is unacceptable. The reason for advance notification is so that employees can receive the benefits of placement and training programs. Ten days is not sufficient. H.R. 1341 provides a specific notice 60 days in advance of being separated.

Let me remind my colleagues that requiring a 60-day notice to employees who are about to lose their jobs is not

a novel idea. It is already the law of the land when it comes to most businesses in the private sector. When Congress earlier enacted plant closing legislation, we all understood that providing 60 days advance notice to employees about to be laid off was one of the act's major provisions. The bill we have before us today simply extends this basic principle of fairness and decency to the Federal Government and its employees.

The General Accounting Office [GAO] reviewed advance notification policy in its study entitled, Plant Closing—Limited Advance Notice and Assistance Provided Dislocated Workers. This study of private sector advance notice practices between 1983 and 1984 found that "several major business associations and labor organizations agree that workers dislocated by closures and layoffs need time to adjust to the trauma of job loss and to help facilitate transition to reemployment." According to the study, advance notice:

First, provides time to plan and implement programs to help workers adjust to their dislocation and find reemployment;

Second, increases worker participation in adjustment programs; and

Third, improves the efficiency and effectiveness of adjustment programs by helping dislocated workers find comparable jobs more quickly.

The fact that an employee may have worked for the Federal Government rather than for the private sector does not alter the impact of dislocation on the employee, the employee's family, or the community in which the employee lives.

Considerable research has been done on the issue of dislocation. Virtually everyone who has looked at the problems associated with dislocation has agreed on the importance of early notice to workers of impending dislocation.

It should also be noted that, unlike many private sector businesses, the Federal Government almost always has the ability to accommodate the need of its employees for a 60-day notice period. Private companies, responding to rapidly changing economic needs, are limited in their ability to foresee events. Federal agencies, however, are typically aware of impending reduction-in-force actions well in advance of the date of employee release. Typically, meeting a 60-day notice requirement will not require any additional delay in the agency's planned reduction. To the extent that an agency may need to respond quickly to events that were not reasonably foreseeable, H.R. 1341, as reported, authorizes the President to waive the 60 days' notice requirement.

Mr. Speaker, I urge my colleagues to vote for H.R. 1341.

□ 1250

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1341, a bill requiring that a Federal employee be given at least 60 days' notice before being released due to a reduction in force.

Present regulations affecting Federal employees require agencies to notify employees, in writing, 30 days in advance of a reduction in force.

The Committee on Post Office and Civil Service passed this bill after extensive hearings conducted by the Subcommittee on Human Resources. Being affected by a reduction in force is an extremely frightening and disruptive event in the lives of employees. In order for these employees to participate in job training and placement programs, it is necessary to give RIF'd employees at least a 60-day notification. The provisions of this bill are applicable to all Federal reductions in force, large or small.

Mr. Speaker, I would like to extend my appreciation to the gentleman from Pennsylvania [Mr. KANJORSKI], chairman, Subcommittee on Human Resources, and to Chairman CLAY of the Committee on Post Office and Civil Service for their untiring efforts to bring this bill to the floor.

The Omnibus Budget Reconciliation Act of 1990 [OBRA] requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and if it does, it must trigger a sequester if it is not fully offset. H.R. 1341 affects a mandatory program and therefore is subject to the pay-as-you-go requirements of OBRA. However, OMB's preliminary estimate is that the bill will not increase direct spending and therefore has a zero pay-as-you-go effect.

I urge my colleagues to support H.R. 1341.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the very distinguished ranking member of the Committee on Post Office and Civil Service.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I previously strongly supported initiatives requiring employee notice in the case of layoffs and plant closings in the private sector. I want to commend both the distinguished chairman of the Committee on Post Office and Civil Service, the gentleman from Missouri [Mr. CLAY] and the distinguished chairman of the Subcommittee on Human Resources, the gentleman from Pennsylvania [Mr. KANJORSKI] for their diligent work on behalf of all of our Federal employees.

It is ironic that the Federal Government does not extend such advance requirements to its own workers. While the Office of Personnel Management opposes this legislative measure, I am pleased to learn that OPM is in the process of issuing regulations similar in nature. Federal workers should not be without this basic necessary protection.

Under the proposed OPM guidelines, agencies will have to provide employees with at least 60 days written notice prior to a reduction in force when 50 or more employees are to receive separation notices in the same competitive area. The 60-day requirement would not apply in situations caused by an immediate shortage of funds or other unforeseeable circumstances, or when fewer than 50 employees are being separated.

An agency would be able to meet the 60-day reduction-in-force notice requirement either by issuing a general notice which is followed by a specific notice, or by issuing a 60-day specific notice. At present, agencies are required to give employees at least 30 days advance written notice prior to a reduction-in-force action.

While I commend OPM for issuing these proposed regulations, I believe this House should nevertheless proceed through the legislative route. I do not question OPM's intentions; however, regulations can be withdrawn or modified at the discretion of the executive branch. In addition, the proposed legislation applies to all reductions in force, not merely those affecting 50 or more employees. In addition, this threshold is applied to RIF notices, not separation notices. Finally, H.R. 1341 requires that a specific notice be sent to the employee at least 60 days before the RIF begins. The OPM regulations only require a 60-day general notice.

Mr. Speaker, while I believe OPM is headed in the right direction with regard to this issue, I believe it is more prudent for this body to follow the legislative path. Accordingly, I urge our colleagues to join in support of this legislation.

Mr. KANJORSKI. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the distinguished chairman of the subcommittee, the gentleman from Pennsylvania [Mr. KANJORSKI] for yielding to me.

Mr. Speaker, I am particularly pleased to support H.R. 1341, which provides additional job protection to Federal employees by requiring notification of State agencies and Government officials and by requiring 60-day written notice before an employee may be released due to a reduction in force, when conditions are reasonably foreseeable.

If anything, this measure is tardy in bringing the Federal Government in line with the requirements Congress

has placed on the private sector and helps assure that we will keep and attract a superior labor pool at a time when the competition for talent is fierce.

Reductions causing job loss are extremely traumatic. The least any employer should be expected to do is to mitigate the harshness of layoff by affording the opportunity to take offsetting actions. Federal workers serve our country honorably. Increasingly, they are paid less than their private sector counterparts. The very least we should do for these dedicated employees is to assure that their treatment in the workplace is as close as possible to the treatment afforded the private sector.

This bill provides Federal employees with much needed improvements. I was happy to support it in committee and am happy to support it here today.

Mr. Speaker, again I thank the distinguished chairman of the full committee, the gentleman from Missouri [Mr. CLAY] and the ranking member of the full committee, the gentleman from New York [Mr. GILMAN], and the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. KANJORSKI], for moving to modernize Federal requirements in this important way.

Mr. MORAN. Mr. Speaker, I would like to rise today in support of H.R. 1341, the Federal Employee Reduction-in-Force Notification Act.

Mr. Speaker, increasingly over the next decade, we will come under budgetary contraints that will force us to reduce the size of our Federal Government. While this process may be inevitable, we can take a very positive step by ensuring that those employees who are laid off from the Federal Government under a reduction in force are given ample notice.

Chairman KANJORSKI has taken an important step to ease the blow for the Federal workers due to be reduced in force by extending the notification process from 30 days to 60 days. This extension is necessary because it is becoming so difficult for these displaced Federal workers to find similar employment in the Federal service. While the administration may be justified in its attempts to reduce the size of the civil service, certainly it has the luxury of showing compassion for those workers displaced. Rarely in the Federal Government is an agency forced to reduce its manpower or close a department's door at a moment's notice. Federal agencies have the luxury of knowing their budgets and of knowing in advance where cuts may be made. The Federal agency is thus in a position to alert its workers and ensure that all have ample opportunity to find suitable employment.

Again I support H.R. 1341 and I urge all of my colleagues to vote yes for Federal workers and yes on the Federal Employee Reduction-in-Force Notification Act.

Mr. HORTON. Mr. Speaker, as a member of the Subcommittee on Human Resources and a cosponsor of this bill I want to commend Chairman KANJORSKI for the introduction of this important legislation and announce my unequivocal support for H.R. 1341, the Federal Employee Reduction-in-Force Notification Act. The bill would require that a Federal employee be given at least 60 days written notice before being released due to a reduction in force.

H.R. 1341 will allow employees the opportunity to prepare for the personal disruption that can follow the loss of employment. I am deeply concerned about equitable treatment for RIF'd Federal employees, who may be ill-prepared for the current job market, and the uncertainty it presents.

I support extending this humane protection for Federal employees, their families, and their communities. The unique nature of employment with the Government, and the inability to translate Federal work skills to the private sector, make enactment of a 60-day notification period essential, practical, and compassionate.

Mrs. MORELLA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KANJORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Pennsylvania [Mr. KANJORSKI] that the House suspend the rules and pass the bill, H.R. 1341, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL FACILITIES COMPLIANCE ACT OF 1991

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2194) to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities, as amended.

The Clerk read as follows:

H.R. 2194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Facilities Compliance Act of 1991".

SEC. 2. APPLICATION OF CERTAIN PROVISIONS TO FEDERAL FACILITIES.

(a) IN GENERAL.—Section 6001 of the Solid Waste Disposal Act (42 U.S.C. 6961) is amended—

(1) by inserting "(a) IN GENERAL.—" after "6001.";

(2) in the first sentence, by inserting "and management" before "in the same manner";

(3) by inserting after the first sentence the following: "The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines. The reasonable service charges referred to in this subsection include, but are not limited to, fees or charges assessed in connection with the processing and issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local solid waste or hazardous waste regulatory program."; and

(4) by inserting after the second sentence the following: "For purposes of enforcing any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order, or civil or administrative penalty or fine) against any such department, agency, or instrumentality, the United States hereby expressly waives any immunity otherwise applicable to the United States. No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local solid or hazardous waste law with respect to any act or omission within the scope of his official duties. An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State solid or hazardous waste law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction.".

(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—Such section is further amended by adding at the end the following new subsections:

"(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—(1) The Administrator may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities contained in the Act. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against another person. Any voluntary resolution or settlement of such an action shall be set forth in a consent order.

"(2) No administrative order issued to such a department, agency, or instrumentality shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator.

"(c) LIMITATION ON STATE USE OF FUNDS COLLECTED FROM FEDERAL GOVERNMENT.—Unless a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government from penalties and fines imposed for violation of any substantive or procedural requirement referred to in subsection (a) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.".

SEC. 3. DEFINITION.

"(a) PERSON.—Subtitle F of the Solid Waste Disposal Act is amended by adding at the end the following:

"SEC. 6005. DEFINITION OF PERSON.

"For the purposes of this Act, the term 'person' wherever used in this Act, shall be treated as including each department, agency, and instrumentality of the United States.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. RITTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2194, the Federal Facilities Compliance Act of 1991, a bill introduced by my colleagues DENNIS ECKART of Ohio and DAN SCHAEFER of Colorado.

Mr. ECKART and Mr. SCHAEFER deserve special commendation for their remarkable record of perseverance and patience over the past three Congresses in their efforts to restore environmental accountability at Federal facilities.

Both of these gentlemen have diligently pursued enactment of this legislation in spite of the numerous obstacles placed in their path by the Departments of Energy and Defense, and they have consistently demonstrated their willingness to work with the administration and the minority members of this committee to overcome these obstacles.

This legislation has had a long and complex history.

In 1976, Congress mandated that Federal facilities comply with our Nation's hazardous waste laws in the same manner and to the same extent as any other person, including private entities and State and local governments. Unfortunately, at the urging of the Justice Department on behalf of the Departments of Energy and Defense, over a period of time some Federal courts indicated that the waiver of sovereign immunity in the 1976 law was not sufficiently clear.

In 1987, President Bush came to my State of Washington and acknowledged that some of our worst environmental polluters were our Federal facilities and that he would insist "that in the future Federal agencies meet or exceed our environmental standards."

One year later, in 1988, the Energy and Commerce Committee tried to carry out that objective by approving Federal facilities legislation by a vote of 27 to 15.

In 1989, the committee again approved similar legislation by a vote of 38 to 5 and it subsequently passed the House by a vote of 380 to 39.

The legislation before us today which passed the Energy and Commerce Committee by a vote of 42 to 1, is virtually identical to the House-passed legislation in the last Congress. It has three primary provisions—all of which are designed to remove the double standard that now applies to Federal facilities on the one hand and to state and private facilities on the other.

First, it clarifies the sovereign immunity waiver to ensure that States have the right to enforce their hazardous waste laws and RCRA against Federal facilities.

Second, it restores to EPA the right to use administrative orders to resolve regulatory violations at Federal facilities.

Finally, Federal agencies will have the opportunity to confer with the EPA Administrator before any administrative order becomes final.

I would say to my colleagues that what we are doing here is not unique with regard to Federal compliance with environmental laws. In fact, the language of this bill is similar to provisions that are already in the Clean Air Act, the Safe Drinking Water Act, and the Medical Waste Tracking Act.

The need for the legislation is obvious. If DOD and DOE had been complying with the law, environmental disasters like the Hanford Reservation in my home State of Washington might never have happened. Without this bill, I'm afraid they will continue to happen.

This bill has widespread support. For example, it has been endorsed by the National Governors' Association, the National Conference of State Legislators, the League of Cities, the National Association of Attorneys General, and the Shipbuilders' Council of America, as well as organized labor and all of the major environmental organizations—I would here like to submit for the RECORD a list of those organizations. Our subcommittee hearings this year, as well as those held during the 100th and 101st Congresses, clearly revealed the depth of that support and the need for legislative action.

It is indeed regrettable that we are considering this legislation for yet a third time. I can only express my hope that it will be the last time. I am confident that the will of this committee and the House, as reflected in the overwhelming votes on nearly identical legislation in the last Congress, and, hopefully our vote here today, will send a clear message that it is time to eliminate the environmental double standard that the Federal Government continues to hide behind.

I urge my colleagues' support for the bill.

□ 1300

Mr. Speaker, I reserve the balance of my time.

Mr. RITTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Washington [Mr. SWIFT] for his leadership in bringing this issue to the House floor. I also want to recognize the efforts of the gentleman from Ohio [Mr. ECKART] and the gentleman from Colorado [Mr. SCHAEFER] to remedy current shortcomings in Federal facilities environmental compliance.

I have been a consistent supporter of this legislation because I believe the Federal Government has an unquestionable obligation to comply with its own environmental laws. The historic failure to meet that obligation demands congressional action. That, Mr. Speaker, is what we are doing here today.

This legislation gives to the States and the Administrator of the Environmental Protection Agency the tools needed to ensure that Federal facilities are treated on an equal basis with the private sector. It allows the EPA to issue unilateral administrative orders to Federal facilities to comply with RCRA, the Resource Conservation and Recovery Act. It also allows States to impose fines and penalties on Federal agencies that violate environmental laws, just as is the case with the private sector.

The committee has reported this legislation with two small but important amendments. The first amendment clarifies that Federal employees are not themselves subject to civil liability under RCRA for acts performed within the scope of their official duties.

The second amendment clarifies that the Federal Government may pay nondiscriminatory fees for State oversight costs, without the fees being considered unconstitutional taxes.

Just as this legislation grants States new rights to enforce environmental laws against Federal facilities, it carries with it a corresponding duty, incumbent upon State officials, to act responsibly in exercising those rights. The committee identified several areas where existing environmental regulations do not seem to fit the types of facilities or wastes subject to this legislation. In many instances, regulations were developed with no thought that they might someday be applied to enforcement situations made possible by this legislation.

Our subcommittee hearings brought to light several of these issues, commonsense issues really, and I want to review them briefly. First, we should treat military vessels like private vessels when it comes to hazardous waste manifesting. Unless amended, the legislation we are considering today would subject military and other publicly operated vessels to RCRA generator, transporter, and storage requirements for the wastes generated and held on board until the vessel reaches port, but private vessels enjoy an exemption from hazardous waste laws until such time as the vessel reaches port and the waste is off loaded. At a minimum, military vessels demand as much equal treatment as civilian ships. Laws already exist that prevent ocean dumping, and the U.S. Navy is entirely willing to comply with those laws. It will be enough to invoke RCRA regulation when our ships return from their long voyages and discharge their

wastes on shore. They should not be treated as a hazardous waste storage facility while they are out at sea, particularly when private vessels are not subject to the same kind of regulation.

Second, EPA should develop alternative RCRA regulations for wastes that are unique to the military, like ordance and munitions. Regulations intended to apply to industrial processes may not make sense when applied to military munitions. Requirements under RCRA will have to be modified to accommodate the very special requirements of military munitions. For example, military bomb disposal units are called upon to defuse or dispose of unexploded bombs almost on a weekly basis. Moving these explosives, or detonating them in place may trigger status as a RCRA transporter or disposer. If RCRA regulations lead to greater hazards for bomb disposal units, then clearly they must be modified.

This is not just a joke, I say to my colleagues. There are two situations where local authorities sought to apply RCRA regulations to bomb disposal.

Third, we should treat Federal sewage treatment works like publicly owned treatment works for purposes of RCRA jurisdiction. Publicly owned wastewater treatment works [POTWS] currently have complete RCRA exemption, as they are regulated under the Clean Water Act [CWA]. Largely because federally owned treatment works [FOTWS] were not intended to qualify for the CWA Grant Program, they were excluded from the definition of a POTW. As a result FOTWS are not included in the RCRA exemption for POTWS. One of the strongest arguments put forth by the authors of this legislation is that it puts federally owned facilities on an equal footing with their private sector and State owned counterparts. Fairness alone demands that these facilities be treated as equivalent to municipally owned facilities.

Fourth, EPA should revisit RCRA regulations dealing with storage, inspection and testing to account for radiological hazards to workers dealing with so-called mixed waste that is both radioactive and hazardous. Specifically, compliance with present RCRA requirements relating to the frequency of inspections, the spacing of containers and waste analysis methods, could result in greater worker exposure to radiation, clearly an anomalous and undesirable result of this legislation. Surely RCRA requirements can be modified to accommodate the need to reduce worker exposure to radiation, while still protecting the environment.

□ 1310

And finally, we must confront head-on the painful reality that we simply do not yet have the technology to treat some types of mixed waste. We must develop a nationwide approach to developing treatment technology, building the required facilities and safely storing wastes in the interim.

As I have identified these issues, I believe each raises a legitimate concern that Congress needs to address.

We understand the questions of jurisdiction brought about by this legislation. We are willing to work with them, but we should not let jurisdictional matters determine whether or not the legislation is perfected to the extent that it does the job that we want it to do, and does not have in it anomalies and inconsistencies that would result in not doing the job, or litigation, and not cleanup.

At the committee markup, I engaged in two colloquies, one on the issue of military vessels and one on the remaining four issues, with the gentleman from Washington State, Mr. SWIFT, along with the chairman, Mr. DINGELL, and the ranking member, Mr. LENT. In those colloquies, I understood the gentleman from Washington to indicate his commitment to consider the vessels issued at the appropriate time in this legislation, and to consider the remaining issues in the RCRA reauthorization process. I would ask the gentleman from Washington if my understanding is correct?

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, I can assure the gentleman from Pennsylvania [Mr. RITTER] that I am most willing to work with him on this problem. I am willing at the appropriate time to consider language in the context of this legislation that is carefully drafted to address the specific problems the gentleman raises.

Mr. RITTER. Mr. Speaker, I thank the gentleman from Washington. I again thank him for his consistent leadership on this issue. I would also hope that some of these outstanding issues could be settled in the House-Senate conference.

I thank the gentleman and look forward to working with him on these issues in this bill and in RCRA reauthorization. With the assurances of my esteemed colleague that he will fully address the outstanding issues raised by this legislation, I urge Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SWIFT. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. Speaker, I rise to engage my colleague from Washington [Mr. SWIFT], the chairman of the subcommittee, in a colloquy.

On June 6, 1991, Leo Duffy, Director of the Department of Energy's Office of Environmental Restoration and Waste Management testified before a joint meeting of two Armed Services Committee panels that it is impossible for DOE to comply with the land disposal restrictions of the Resource Conservation and Recovery Act, section 3004(j), which prohibits the storage of hazardous wastes except to allow the accumulation of sufficient quantities to facilitate proper recovery, treatment, or disposal. Mr. Duffy testified that the Department has identified over 25 discrete mixed radioactive hazardous waste streams for which no available treatment technology exists, and for which the development of appropriate treatment technology may take 10 or more years. In addition, the Department has identified over 250 discrete waste streams for which there is either inadequate capacity for the treatment of existing volumes of stored wastes and newly generated waste, or for which identified technology exists but requires demonstration, permitting, or other actions to meet Federal and State requirements before it can be applied.

As the gentleman knows, I had intended to offer an amendment to require that the Environmental Protection Agency develop a national compliance plan to make it possible for the Department of Energy to come into compliance with section 3004(j) without subjecting the Department to fines and penalities for problems that are beyond the ability of the Department to solve using current technology.

Mr. SWIFT. Mr. Speaker, if the gentleman will yield, I appreciate the gentleman's cooperation and support in this process. I understand the gentleman beleives section 3004(j) presents the Department of Energy with problems concerning the storage of mixed waste. I must note that this issue is a very complex one, over which there is much debate, and an adequate legislative record on the issue has yet to be made. I can assure the gentleman that our committee will give serious and fair consideration to all the questions raised by the mixed waste issue. I am prepared to hold a hearing in the coming months solely on this issue to fully explore the Department's concerns within the legislative context of the comprehensive RCRA reauthorization, which will occur this Congress.

Mr. SPRATT. Mr. Speaker, I thank the chairman for his commitment to hold a hearing on mixed waste issues and to consider revising current law during the process of reauthorizing RCRA.

In addition to the concern about storing and disposing of mixed wastes, I would like to ask the chairman to address a second issue raised by Mr. Duffy during testimony before the Armed Services Committee. DOE is concerned that it cannot comply with occupational radiation exposure standards established pursuant to the Atomic Energy Act without violating the requirements for managing mixed waste

in accordance with the Resource Conservation and Recovery Act.

According to Mr. Duffy, DOE is evaluating approximately 700 mixed waste streams that must comply with both AEA and RCRA. Among the problem identified by the Department are: First, the need to store mixed transuranic waste in densely packed configurations that do not comply with RCRA, in order to increase radiation shielding and consequently reduce radiation exposures to inspectors and workers; and second, the impossibility on monitoring, characterizing and handling liquid, high-level radioactive mixed waste in tanks using the procedures established under RCRA, without undue occupational radiation exposures.

Mr. SWIFT. If the gentleman will yield further, Mr. Speaker, it certainly is not the intention of the committee that RCRA requirements should expose workers to unsafe levels of radiation. In fact, section 1006(a) of RCRA—that is the current law—prohibits the application of any RCRA requirement which would be inconsistent with the Atomic Energy Act.

Nothing in this chapter shall be construed to apply to (or to authorize any State, interstate, or local authority to regulate) any activity or substance which is subject to the * * * Atomic Energy Act * * * except to the extent that such application (or regulation) is not inconsistent with the requirements of such Acts.

The committee encourages the Department of Energy to notify the Environmental Protection Agency of any RCRA requirement which is resulting in any DOE workers being exposed to unsafe levels of radiation—I note the Department of Energy has yet to notify EPA of any such circumstance—and to work with EPA in resolving any such inconsistencies, as RCRA provides.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for his clarification of this issue.

Mr. RITTER. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. SCHAEFER], who has distinguished himself in leadership on this issue.

Mr. SCHAEFER. Mr. Speaker, it was not long ago that I stood on the House floor with members on the Committee on Energy and Commerce, and we were all congratulating each other on a job well done. This was after seeing the landmark clean air legislation that so many members had put so many hours in, and that passed overwhelmingly.

But as I and many of those same colleagues witness what will likely be an equally convincing vote for the environment, we know today's celebration will be altogether different. Because unlike amendments to the Clean Air Act, we can take little pride in passage of H.R. 2194. Its very necessity can best be termed regrettable.

For the Federal Facilities Compliance Act states what should already be obvious: That the Federal Government is expected to abide by the same environmental laws it imposes on others. This "do as I say, and as I do" legislation merely extends the right, States currently have to levy fines and penalties against private companies to Federal entities as well for violations of the Nation's waste disposal laws. It is simply a matter of fairness: That those failing to comply with the law be subject to enforcement actions, Federal agency or otherwise.

Not surprisingly, the Departments of Energy and Defense continue to oppose this common-sense initiative. They have grown all too accustomed to the double standard they currently enjoy, allowing the Federal Government to violate environmental laws relatively free from retribution. This unaccountability has left the Nation with a legacy of contamination and the American taxpayer with the staggering costs of cleaning it up.

They are costs that have reached monumental proportions. Estimates of $200 billion to clean up the Nation's Federal facilities are common and likely conservative. While H.R. 2194 can do nothing to reduce this liability, it can ensure that the mistakes of the past are less likely to recur. After all, there is no better way to prevent tomorrow's contamination than to comply with the environmental laws of today. That is the underlying reasoning of this legislation.

Fortunately, it is logic we in the House understand. On two occasions in the 101st Congress we adopted similar measures, by 380 to 39 and voice vote respectively. Approving H.R. 2194 today will once again send a resounding message to the other body—that we remain steadfastly committed on a bipartisan basis to environmental compliance at our Federal facilities.

Mr. Speaker, support for H.R. 2194 is widespread. Just last week we were pleased to add Governor Wilson of California to the growing list of advocates. Like us, they won't look back at passage of the Federal Facilities Compliance Act with pride for what it accomplished. But years from now, we can all be pleased with what the legislation prevented.

□ 1320

It is unfortunate that we have to pass legislation like this, Mr. Speaker, because our Federal facilities should be in compliance with our various environmental laws.

I would like to say that I greatly appreciate the gentleman from Ohio [Mr. ECKART] for his long work in this particular area, particularly a lot of the staff as well, David Eck of my own staff, and the various people who have worked on this legislation to try and make sure that the States have the ability now to issue fines and penalties against any Federal entity who violates our clean air, clean water, or any other environmental law.

I would urge the support of H.R. 2194 and hope that we have a good, swift passage on this and we get it to the President's desk as soon as possible.

Mr. RITTER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. RAY] who is the head of the Defense Environmental Restoration Panel of the Committee on Armed Services.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Speaker, House bill H.R. 2194 represents a slight improvement over legislation that was considered in the last Congress; however, the fact remains that the concept is not in the best interest of the Nation and may only serve to further the States' dismal record of using any financial leverage they have.

My strong objection remains—State administrative fines and penalties, if applied to cleanup activities, could destroy the national worst-first cleanup strategy now being carried out by the Department of Defense.

I think it is unrealistic to expect that any reasonable DOD cleanup strategy will satisfy every State, and I fail to see how fines and penalties are going to promote—rather than hinder—a rational cleanup program.

I spent several years of service in municipal and local government, and I can attest to the horror stories of inadequate landfills that will dismay the public if any when the Environmental Protection Agency [EPA] and State enforcement agencies begin to fulfill their charters to clean up the environment. Until then, my several years of working with DOD and EPA convince me that DOD's Federal facilities are years ahead of other public sector entities.

This is the decade of the Environment, yet Congress appears to be less willing to increase funding for the Defense environmental restoration account than in years past.

There is also an increasing concern about the management of the cleanup program, combined with a disappointment that there is little to show for almost $4 billion expended on DOD cleanups to date.

We can no longer rely on congressional add ons to avoid facing difficult choices on cleanup priorities in the future.

The resulting scramble for dollars will be difficult to control, and the outcome may have little to do with environmental importance or merit.

I am also concerned about the absence of any limitation on the total amount of State administrative fines and penalties that can be assessed under the legislation. DOD has esti-

mated its potential financial exposure to range between $250 million and $15 billion over the next 15 years.

Some claim that the States have no intention to be unreasonable and harbor no plans to raid the Federal Treasury. However, I remain unconvinced in this respect. I constantly read about the actions taken by States to get operating dollars from any source possible. I must evaluate legislation as we do military threats: On the basis of capability as well as intent.

In addition to my previous concerns about this legislation, I have become more aware of the fact that the standards that Federal facilities must meet are often much more stringent than any other public or private regulated entity.

This issue came up earlier this year when I participated in a State leadership conference in my district where there were extensive discussions about the environmental problems at Georgia military bases.

Conference participants included municipal leaders, private businessmen, and senior managers from State and local government agencies. When we finished, there was agreement on one thing: Not one of the participants wanted his municipality, business, or agency to be regulated like a Federal facility.

In the near future, I intend to make a comprehensive review of Federal facility regulatory requirements to determine the nature and extent of this inequitable treatment.

It looks like we are asking the Federal taxpayer to foot the bill for retail regulation, while everyone else is paying wholesale.

I strongly object to such an inequity. If more stringent RCRA requirements are good enough for Federal facilities, they should be applied to everyone else. If they are overbroad and harmful, then we should not force them upon anyone. Congress should not be arguing for equity in enforcement mechanisms, while seeking to maintain discriminatory regulatory practices.

With a declining DOD budget, we are all concerned about how to balance military, economic, and political considerations during the Nation's largest peacetime military builddown in our history. Putting significantly more environmental programs into a diminished defense budget is bound to involve some painful tradeoffs. Obviously, these tradeoffs are going to be even more painful if DOD must need more stringent regulatory requirements.

I would also like to point out the multifaceted nature of DOD cleanup and compliance challenges.

These complexities involve the recruiting and retaining of qualified environmental personnel, the conflict and overlap of statutory and regulatory cleanup requirements, the availability of qualified environmental contractors, the suitability of DOD contracting procedures, and the quality of the management of DOD environmental programs. To date, I have not found that fines and penalties are particularly relevant to these problems, much less helpful in finding a solution to them.

In any event, I think that the 4 years Congress has spent debating the issue of the waiver of sovereign immunity under RCRA has been a healthy experience. I know that this debate has caused the Department of Defense and the House and Senate Armed Services Committees to increase their awareness of environmental requirements and how they might be addressed.

I also hope that the environmental committees have developed some sensitivity to DOD's problems and the Department's honest efforts to address them in an effective manner.

While I cannot support H.R. 2914, I am satisfied that this legislation did receive the full and careful consideration it deserved.

At this point I include the following:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 21, 1991.

Hon. BOOTH GARDNER,
Governor of Washington, Chairman of the National Governors Association, Hall of the States, Washington, DC.

DEAR GOVERNOR GARDNER: This is in response to correspondence I received from Governor Sinner and Governor Bangerter, Chairman and Vice Chairman of the Association's Committee on Energy and Environment, dated April 11, urging me to support the Federal Facilities Act of 1991. My answer has been delayed, for I wanted to have the benefit of a hearing on this legislation before I responded. A joint hearing by the Environmental Restoration Panel and Department of Energy Nuclear Facilities Panel of the House Armed Services Committee was held June 6 to receive testimony on pending Federal Facilities Compliance legislation.

House bill H.R. 2194 represents a slight improvement over legislation that was considered in the last Congress; however, the fact remains that the concept is not in the best interest of the nation and may only serve to further the states' dismal record of using any financial leverage they have.

My strong objection remains that State administrative fines and penalties can be applied to cleanup activities that would be inconsistent with a national "worst-first" cleanup strategy by the Department of Defense (DOD). I think it is unrealistic to expect that any reasonable DOD cleanup strategy is likely to satisfy every State. Also, I fail to see how unilateral enforcement is likely to result in a rational program.

I spent several years of service in municipal and local government, and I can attest to the horror stories of inadequate landfills that will dismay the public if and when the Environmental Protection Agency (EPA) and state enforcement agencies begin to fulfill their charters to clean up the environment. Until then, my several years of working with DOD and EPA convince me that DOD's federal facilities are years ahead of other public sector entities.

This is the Decade of the Environment, but Congress appears to be increasingly unwilling to boost funding for the Defense Environmental Restoration Account (DERA). DOD environmental cleanups are already receiving priority treatment and there must be compelling justification for additional funding. Concern is also increasing about the management of the cleanup program, combined with disappointment that there is so little to show for the almost $4 billion expended to date on DOD cleanups. Also, general agreement is that base closure environmental and cleanup requirements deserve a higher priority.

For all of these reasons, it is unlikely that we can continue to rely on congressional add-ons to avoid facing difficult choices on future cleanup priorities. The resulting scramble will be difficult to control and could end up having little to do with environmental merit.

I am also concerned about the absence of any limitation on the amount of State administrative fines and penalties that can be assessed under the legislation. I recognize that, to date, environmental fines and penalties have not been onerous, and that the States have given assurances that they would be reasonable in exercising increased authority. Nevertheless, I remain unconvinced in this respect. DOD has estimated that its potential exposure to fines and penalties related to cleanup-only requirements in accordance with the Federal Facilities Compliance bills to range between $250 million and $15 billion over the next 15 years. I am certainly not saying that the States intend to raid the Treasury by the assessment of administrative fines and penalties, but I must evaluate legislation—as we do military threats—on the basis of capability as well as intent. I am constantly reading of the actions being taken by local and state governments to get operating dollars from any source possible.

I have also become aware of other problems that need to be addressed by the legislation or through related legislative or regulatory actions. With all the focus on the equity issues of whether Federal facilities should be subject to fines and penalties, we have lost sight of the fairness of the regulation of these facilities. The rules and standards that Federal facilities must meet are often more stringent than any other public or private regulated entity.

The recent DOD hearing confirmed what I had learned earlier this year when I participated in a Georgia Leadership Conference in my District. Interest is high in environmental problems at DOD installations and in my Chairmanship of the Environmental Restoration Panel. Conference participants included municipal leaders, private businessmen, and senior managers in State and local government agencies. All agreed on one thing: Not one of them wanted to be regulated like Federal facilities are regulated.

The municipalities, which somehow escape the same harsh treatment, do not want their landfills subject to regulation as solid waste management units under subtitle C of the Resources Conservation and Recovery Act (RCRA). They do not want their sewage treatment plant sludge subject to RCRA regulation. They clearly wanted the boundaries of their RCRA facilities and National Priorities List (NPL) sites to be defined as narrowly as possible. Also, they agreed that having their RCRA facilities inspected annually is unnecessary. Representatives of the private sector agreed. In short, my constituents do not want their communities or their businesses to be regulated like federal facilities.

Recently, the Marine Corps Logistics Base in Albany, Georgia, became subject to fines

and penalties associated with the disposal of sludge generated by the combination of its treated industrial and domestic sewage effluent into the Flint River. One possible correction involved a multi-million dollar cost. However the solution that was achieved, where the sludge was not regulated under RCRA because of the Publicly Owned Treatment Works (PTW) exemption, was to contract with the local municipality to take the effluent through its system to the Flint River.

Similarly, I don't see the States being any more willing to play by the Federal Facility environmental rules. Not one has suggested that counties be designated as RCRA facilities, even though they contain one or more RCRA regulated activities. Many DOD bases are larger than counties and are so characterized.

Further, I have found that cleanup remedies in States, counties and localities are less stringent than those at Federal facilities. In the District that I represent is at least one NPL site of 16 acres where the remedy was cap and monitor with the surrounding community unable to use its wells and having to wait 12 years for a city water hookup. Citizens, at this time, continue to live under this possible exposure. This would not be tolerated if a Federal facility were involved.

The recent hearing also raised some questions over whether States, localities and private parties are going to identify the problems. For example, the report to Congress on the Defense Environmental Restoration Program for FY 1990 revealed that DOD had identified approximately 25,000 potential hazardous waste sites at over 1,700 active installations and 7,000 formerly used Defense sites. Put these bases together and you have a land mass about the size of Tennessee. By contrast, EPA has identified only about 30,000 other potential hazardous waste sites in the remainder of the United States.

My suspicions were confirmed when EPA testified that it does not have the manpower to investigate potential hazardous waste sites. Instead, EPA relied upon State, local and private sector input. As you can readily see, what is mandatory for DOD is discretionary for everyone else. It almost forces you to think how fortunate those people are who live near a DOD installation.

Brevity requires that I allow myself only one further piece of evidence. We all know that the DOD budget is declining. However, it must meet the nation's most stringent requirements. Yet, some folks want the Federal taxpayer to foot the bill for retail regulation while all others are paying wholesale rates.

We can agree that the lively public discourse on the environment has produced some benefits. It has increased awareness of the issues and how requirements might be met. The subject deserves a full and careful hearing and I am satisfied that will be achieved before final action is taken.

Sincerely,

RICHARD RAY,
Chairman, Environmental Restoration Panel.

Mr. SWIFT. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, I rise very enthusiastically in support of the bill.

Mr. Speaker, I rise in support of H.R. 2194, as amended, the Federal Facilities Compliance Act of 1991. I was an original cosponsor of this measure when it was introduced in 1989 and passed during the 101st Congress, and I believe that now, more than ever, the Congress must clarify for the administration what we thought was already clear in the law: Federal facilities are subject to this Nation's environmental laws to the same extent as private entities and State and local governments.

When we say Federal facilities are subject to environmental laws, we mean that Federal facilities are subject to the same substantive and procedural requirements and sanctions, including civil and administrative fines and penalties. We also mean that EPA must have the ability to utilize administrative orders to resolve environmental violations by Federal facilities.

As an oversight chairman, I have seen firsthand the consequences of the unitary executive theory put forth by the Justice Department to justify allowing Federal offenders to employ delay tactics to avoid swift compliance with environmental laws. Investigations by my Subcommittee on Environment, Energy and Natural Resources have shown that chronic environmental problems at Department of Energy [DOE] facilities like the Savannah River Plant, the Fernald Plant, the Hanford Reservation, and Rocky Flats have not been taken care of to the satisfaction of nearby citizens and State environmental officials. Similar situations have been uncovered at Department of Defense [DOD] facilities. Because of this unitary executive theory originated and championed by the Reagan and Bush administrations, EPA's hands are tied. While EPA is expected to aggressively enforce the law against private entities, the administration's policy renders the EPA powerless to issue unilateral orders requiring its sister Federal agencies to clean up. Instead, EPA must resort to grovelling at the feet of the polluting federal facilities to beg for a consent agreement.

This fact is not lost on the polluting Federal facilities who are, at best, disinclined to deal seriously with EPA. It's time that EPA stopped approaching Federal violators with hat in hand and started enforcing the law to the fullest extent.

I might also note that, even though States and citizens groups can sue to force Federal facilities to clean up environmental contamination, the delay tactics employed by Federal violators are time consuming and cost money. It is regrettable that, all too often, precious time and money is spent trying to get the Federal Government to comply with its own laws. As the Nation's biggest and worst polluter, the Federal Government should stop dilly-dallying and start setting an example for private industry to follow.

I have no doubt that, by actually making Federal facilities pay civil and administrative fines and penalties, H.R. 2194 will result in less jawboning and faster clean up actions. And by providing EPA explicit authority to issue unilateral administrative orders against noncomplying Federal facilities, H.R. 2194 will enable EPA to effectively deal with the biggest environmental offender—the U.S. Government. Mr. Speaker, I fully support H.R. 2194 and I urge its swift passage and adoption by the House. They say the third time's a charm—let's work to make it so for the Federal Facilities Compliance Act of 1991.

Mr. SWIFT. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I would first like to commend the chairman of the subcommittee, the gentleman from Washington [Mr. SWIFT] and the gentleman from Ohio [Mr. ECKART] and our colleagues, the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from Pennsylvania [Mr. RITTER], for their tireless effort on this legislation. Without their leadership, we would not be here today so I thank them all for their assistance.

Mr. Speaker, I rise today in strong support of the Federal Facilities Compliance Act of 1991.

□ 1330

Federal facilities routinely generate, manage, and dispose of millions of tons of hazardous waste including acids, nitrates, radioactive materials, and heavy metals. Yet, in many cases, Federal facilities continue to ignore efforts by the EPA and the States to enforce laws that regulate hazardous waste cleanup. As a result, they are threatening the health of thousands of Americans.

In my home State of Kansas, several Department of Defense facilities have been cited for environmental compliance problems including Fort Riley, Fort Leavenworth, the Kansas Army Ammunition Plant, the Smokey Hills Weapons Range, and the Sunflower Army Ammunition Plant.

Current law simply does not give the State of Kansas or the EPA authority to effectively enforce existing environmental laws when Federal facilities fail to obey the law. It is simply common sense that all hazardous waste, including that generated by Federal agencies, should be handled properly and safely at minimum risk to the environment and minimum cost to the taxpayers. Common sense also demands that all agencies of the Federal Government comply with Federal environmental laws.

We cannot stand by any longer as irresponsible Federal facilities choose when they will comply with the law and when they will not.

I urge my colleagues to pass this important legislation and give our States and the Environmental Protection Agency the authority to enforce our Nation's environmental laws when they are being blatantly violated by Federal agencies.

Mr. Speaker, again, I commend the gentleman from Ohio [Mr. ECKART] and all the others who have been involved in this legislation.

Mr. SWIFT. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. LUKEN].

Mr. LUKEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 2194.

In my district, we have a radioactive dump. It is known as the Fernald Uranium Processing Plant. For years they made nuclear weapons there, and they just disposed haphazardly of whatever waste they came in contact with.

The DOE has absolutely failed in every respect to do anything about meaningful cleanup at this site. The result has been contaminated water, contaminated farms, contaminated property all around.

H.R. 2194 simply puts a little bit of accountability into the system and gives the DOE a little bit of incentive.

For years it is difficult to identify what incentive DOE has to clean up places like the Fernald Uranium Processing Plant.

I rise in support of the Federal Facilities Compliance Act, and I congratulate the gentleman from Colorado [Mr. SCHAEFER] and my friend and colleague, the gentleman from Ohio [Mr. ECKART] for bringing this legislation to the floor.

Mr. SWIFT. Mr. Speaker, I yield 7 minutes to the coauthor of this bill, the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. Mr. Speaker, I thank my colleague, the subcommittee chairman, and particularly I am thankful to my friend, the gentleman from Ohio [Mr. LUKEN], a new Member who I recall on his first day of swearing in said to me very simply, "Now, are you going to help me get Fernald cleaned up?"

CHARLIE is carrying on in the fine tradition of his father, who worked very hard to rectify the problems there at that facility.

The greed of the 1980's has truly been replaced by the green of the 1990's. That is what this bill is all about.

America is very good at reading labels. We in politics are very good at trying to affix labels to both philosophies and programs about which the American people seem to be paying much closer attention.

It is very clear what the provisions of this bill do. It attaches a very clear, easily understood label to the Federal Government, and it says, as my colleague, the gentleman from Colorado, says, "We are going to make you do as we do with other governmental agencies and other facilities and not simply as we say."

For all too long, the Federal Government has practiced a hypocrisy which says, "Do as I say, not as I do," and has allowed Federal facilities to be the Nation's single leading environmental polluter. This legislation ends that hypocrisy.

We all know the consequences of pollution know no political or, indeed, even geographic boundary. Leaking underground storage tanks, 1 cup of which can pollute an underground aquifer of hundreds of thousands of gallons of fresh drinking water, cause as much damage whether that gasoline leaked from a Federal Government facility or from a neighborhood gas station. Yet, that small business owned on the street corner in Anywhere, U.S.A., would be subjected to the harshest environmental penalties that this Nation can bring to bear, whereas that same gas pump located at a Federal facility can ignore the Nation's Federal environmental laws.

That will end with the passage of this bill. What we are talking about is compliance. We are not talking about the problems that have been suggested by those who will oppose this bill but are simply saying that the Nation's environmental laws which make sense for business and for cities and towns and villages all across this country, that they make sense to us as the Federal Government as well, and that the taxpayers of America should not be financing pollution, and the cost of cleaning up that pollution all at the same time.

We will end this double standard.

Now, what is it that we are talking about requiring the Federal Government to do? In the home State of my colleague from Colorado, we are saying put labels on the drums. In the home State of my colleague from Colorado, we are saying do not stack the drums outside where they can rust. In the home State of my colleague from Colorado, we are saying put something underneath those drums to catch them when they leak.

It is an embarrassment that our own Federal Bureau of Investigation was forced to sneak in under the cloak of night to seize Federal Government records as evidence of pollution because our own Federal Government cannot enforce the Nation's environmental laws against itself.

My colleague from Colorado has stood foursquare for the symmetry in protection of this Nation's environment, but when taxpayers' dollars finance pollution of his own environment, we know the time to end that hypocrisy must be squarely before us.

We believed that we had corrected this problem when we first addressed it in RCRA 5 years ago. Indeed, we have split decisions from different Federal district courts, and now the Supreme Court has agreed to hear the resolution of this case, but heaven forbid that we allow nine unelected individuals make these decisions which we believe we are fully capable of doing and, indeed, did almost 5½ years ago.

We believe that the Nation's environmental laws that are good enough for General Motors should be good enough for generals at the Pentagon. We believe that Uncle Sam must lead the way in preserving and protecting this Nation's environment, not follow, as others have suggested.

The concealment that has occurred of pollution has to end. In fact, we asked both the GAO and the Office of Technology Assessment to take a look at the provisions of the bill to see whether or not, indeed, local governments and State governments have abused the same authority that we will propose to give them under RCRA that they already have under the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, and the Medical Waste Tracking Act in which States and local governments have the right to enforce those laws against the Federal Government but which are denied under the provisions of a court decision under RCRA. Changes that we will make with the passage of this law.

Our provision says with absolute certitude that the States and local governments will have the right to use the Federal environmental laws as tools to protect the Nation's environment which, indeed, belongs to us all, and that the States and local governments have not abused the powers that they have under other laws which we will extend to them under the provisions of this bill. We truly believe that the damage that the Federal Government has done must come to an end, and that we cannot preach the good word of environmentalism on the one hand and sabotage that environment on the other.

The passage of this bill today will send the clearest and most unequivocal message that the hypocrisy that has gripped the enforcement of the Nation's environmental laws will end, and passage of our legislation today will make that dream a reality.

Mr. SCHAEFER. Mr. Speaker, will the gentleman yield?

Mr. ECKART. I am happy to yield to the gentleman from Colorado.

Mr. SCHAEFER. Mr. Speaker, I appreciate the point that the gentleman is making, that, if I am not mistaken, the CBO estimates were, since 1979, there has been $1 million in fines and penalties assessed across this Nation, which is $100,000 a year, and for those individuals who say that we are going to line the pockets of our States, all they have to do is look back upon this, and I think that is very important, and not only that, the second point I wanted to make is the fact that these dollars that would come out after the passage of this bill for these fines will have to go back into environmental purposes into a State; you cannot use it to build a bridge or to improve a road.

Mr. ECKART. Mr. Speaker, the gentleman is correct. Indeed, the testimony from the EPA and the CBO says, "The penalties have not been unreasonable or excessive," and that during our subcommittee hearings, the EPA Acting Assistant Administrator for Solid Waste and Emergency Response had testified that there was no evidence that existed that State or local governments have abused this same discretion

that they have under every other environmental law except this.

I thank my colleague for drawing that to our attention.

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Mr. SCHAEFER. Mr. Speaker, I thank the gentleman.

Mr. RITTER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KYL] who happens to be ranking member on the Armed Services Panel dealing with nuclear facilities.

Mr. KYL. Mr. Speaker, I thank my colleague for yielding this time to me.

Mr. Speaker, this legislation is well intentioned, but misses the mark in addressing key issues needed to effectively deal with Federal facility environmental compliance, some of which have been identified by the gentlemen from Pennsylvania [Mr. RITTER] and South Carolina [Mr. SPRATT], and Georgia [Mr. RAY].

For example, Federal facilities, like the Department of Energy and Veterans' Administration hospitals, generate radioactive mixed waste that is currently subject to land disposal restrictions and can not be disposed of unless treated in accordance with EPA standards. Why is this a problem? Because treatment technologies and facilities simply do not currently exist to treat this waste; therefore, the waste can not be disposed of. These are not just leaky gas tanks. Until the technologies are developed and facilities permitted and constructed, storage of the waste is the only environmentally responsible option; indeed it is the only option.

This option is illegal, however, under RCRA. Instead of addressing this impossible situation, H.R. 2194 would subject these governmental facilities to fines and penalties in situations for which no corrective action exists. This simply is unacceptable. We must realize that this problem is truly a technological one that merits serious and focused attention. Public policy demands that specific mixed waste treatment regulations be promulgated now if Federal agencies hope to be successful in their compliance programs. This bill will simply distract important efforts and Federal moneys away from important issues such as developing safe compliant technologies. I urge my colleagues, who will be conferees on the bill, to seriously consider a fair and equitable solution to this matter at that time. The Federal Government must do its part; but there also must be recognition of some of the unique aspects of Federal activities.

Mr. SWIFT. Mr. Speaker, I yield 1 minute to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, we are all too familiar with the DOE's inability to meet deadlines. Triparty agreements between States, the EPA, and DOE have proven to be meaningless. Federal facilities represent some of the Nation's worst hazardous waste problems. These sites can be found in every State.

The Federal Facilities Compliance Act clarifies that the Federal Government waives its soverign immunity from EPA and State enforcement actions under RCRA. This legislation does not impose any new requirement on Federal facilities nor does it strengthen existing compliance standards. What it does do is to clarify the legitimate role of EPA and State enforcement authorities.

DOE continues to resist enforcement of environmental laws. Prompt passage of this act will give State and EPA regulators the very tool needed to achieve compliance with Federal environmental laws at Federal facilities.

I strongly urge you to vote for H.R. 2194 and to oppose any weakening amendments, should they be offered.

Mr. SWIFT. Mr. Speaker, I yield myself the remainder of the time, simply to make several points with regard to some of the things that have been said here today, just to clarify the record.

First of all, the DOD RCRA compliance rates are fully 10 to 15 percent lower than the private entities, according to data provided by the EPA.

The second point I would make is that there is no evidence in the record that the States have ever been irresponsible with the penalty authority given them under other statutes in Federal law, such as the Clean Air Act.

The worst first prioritization is not endangered by State fines and penalty authority for the simple reason that States already have injunctive relief authority under RCRA which they could use if they so chose to affect the worst first prioritization, and they have not done so.

Finally, saying that fines and penalties should be spent on cleanup instead of enforcement is something devoutly to be wished. I wish that were true consistently even in the private sector, but the fact is there are bad actors and in this instance there are some bad actors in the Federal Government, and if they would simply spend the money on compliance, there would be no need to spend it on fines and penalties.

I would also note that the Federal Government with regularity places fines against States for lack of compliance with various Federal laws, even though States have limited budgets.

Finally, it is well settled that fines and penalties are significant deterrents to noncompliance, the most important reason for giving this enforcement tool to the States.

The bill will save the Federal Government and taxpayers a lot of dollars over the years if it forces the money to go into compliance, which is of course its purpose.

With that, I urge all my colleagues to support this legislation.

Mr. Speaker, I include the following list which was referred to earlier:

National Association of Attorneys General.
National Governors' Association.
The National Conference of State Legislatures.
Association of State and Territorial Solid Waste Managers.
Environmental Action.
Environmental Defense Fund.
National Audubon Society.
National Wildlife Federation.
Natural Resources Defense Council.
Sierra Club.
U.S. Public Interest Research Group.
Clean Water Action.
Friends of the Earth.
Greenpeace.
Izaac Walton League of America.
Mineral Policy Center.
National Council of Churches.
National Toxics Campaign.
American Federation of Labor and Congress of Industrial Unions.
Amalgamated Clothing and Textile Workers Union.
American Federation of State, County and Municipal Employees.
American Federation of Teachers.
Building and Construction Trades Department.
Communication Workers of America.
Industrial Union Department.
International Association of Bridge, Structural and Ornamental Iron Workers.
International Association of Machinists and Aerospace Workers.
International Brotherhood of Electrical Workers.
International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.
International Federation of Professional and Technical Engineers.
International Ladies Garment Workers Union.
International Union of Bricklayers and Allied Craftsmen.
International Union of Operating Engineers.
Laborers' International Union of North America.
Metal Trades Department, AFL–CIO.
National Association of Letter Carriers.
United Automobile, Aerospace & Agricultural Implement Workers of America International Union.
United Association of Journeymen and Apprentices of Plumbing and Pipe Fitting Industry of the United States and Canada.
United Brotherhood of Carpenters and Joiners of America.
United Mine Workers of America.
Shipbuilders' Council of America.

Mr. LENT. Mr. Speaker, I rise today in support of H.R. 2194, the Federal Facilities Compliance Act of 1991, although I believe there are additional areas the legislation must address. It is clear that the Government must improve the environmental record of federally owned and operated facilities. I believe the Government must set the example for full compliance with environmental laws, and this legislation is an important step in attaining the goals.

However, it is only one step, and an incomplete one at that. In its current form, this legislation has not yet achieved its authors' stated goal of putting Federal facilities on an equal footing with other facilities, and it does not re-

solve the dilemma posed by mixed radioactive waste.

I have sought to bring these shortcomings to the attention of my colleagues on the Committee on Energy and Commerce. I believe one of the important outcomes of the Subcommittee on Transportation and Hazardous Materials' recent hearing has been a clearer understanding of the problems the legislation creates in enforcing RCRA regulations on a few particularly troublesome wastestreams. Today, I want to briefly raise these concerns with the rest of my colleagues.

First, the imposition of RCRA requirements at Federal facilities should not pose radiologic hazards to workers. Radiologic hazards are not adequately addressed under RCRA. Historically, they have been controlled by the Atomic Energy Act and other management procedures developed at individual facilities. I do not believe Congress intends for implementation of the RCRA program to conflict with other safety laws.

Second, the existing provisions of RCRA which prohibit the storage of hazardous waste pose an impossible situation for those that manage some types of radioactive mixed waste. At the present time, treatment technology simply does not exist for many types of mixed wastes. Our goal must be the development of necessary treatment facilities and the safe storage of these wastes in the interim. This legislation does not adequately address this pressing issue.

Third, military facilities need rules tailored to the unique safety requirements of handling munitions. Again, we want to ensure that RCRA does not conflcit with training requirements and safety rules and that the production of munitions is not mired in administrative delays during emergency situations like those recently experienced in Operation Desert Storm.

During Desert Storm this country faced the need for a significant increase in TNT production to produce munitions. TNT has a limited shelf life and cannot be stored for long periods. We currently obtain all of our TNT from Canada and domestic production would require the start up of old TNT plants. The permitting and administrative burdens under RCRA would make supply for a significant wartime effort impossible in the shortrun. We should provide the Administrator authority to craft special regulations that contemplate in advance situations like those posed during Desert Storm. We should not let inaction now pose a crisis either for our men in uniform or the environment in the future.

Finally, there is no reason to treat federally owned sewage treatment works any different than those owned by municipalities, or military vessels any different than civilian vessels. The major purpose of this bill is to put Federal facilities on the same footing as other facilities. Yet, should this legislation be enacted in its current form, it ignores existing statutory and regulatory decisions that serve to discriminate against military vessels and federally owned treatment works.

I have consistently stated my support for the goals of this legislation. However, I have often found it necessary to speak in opposition to its passage because of my concerns over its implementation and how that could affect the integration of RCRA with other environmental and safety statutes and the underlying principle of putting Federal facilities on an equal footing with the private sector.

I am, therefore, very pleased that both the subcommittee chairman, my colleague from Washington State, and our esteemed committee chairman have recognized the legitimacy of the issues I raise today. Having communicated the importance of these issues and receiving the commitment of my colleagues on the committee to resolve them either in this legislation or in the RCRA reauthorization, I will be voting in favor of passage of the bill as reported by the committee.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H.R. 2194, the Federal Facilities Compliance Act. As an original cosponsor of this legislation, I would like to commend the sponsors of the bill, the gentleman from Ohio [Mr. ECKART] and the gentleman from Colorado [Mr. SCHAEFER] on their fine work.

The legislation will assure Federal facilities' increased compliance with the Resource Conservation and Recovery Act, better known as RCRA. RCRA regulates the management, treatment, storage and disposal of hazardous waste. Facilities of the Department of Defense and the Department of Energy together generate approximately 20 million tons of hazardous or mixed hazardous and radioactive waste annually.

The legislation before us today will accomplish two goals. First, it will clarify that States have the authority to assess civil fines and penalties against Federal facilities that do not comply with RCRA requirements. Until this time, States have been divided with regard to the authority to levy fines and penalties against Federal facilities.

H.R. 2194 removes this confusion and permits States to assess fines and penalties against such facilities. Currently, municipalities, individuals, and private facilities are subject to paying these fines.

Additionally, the bill explicitly grants the Environmental Protection Agency the authority to bring administrative enforcement actions against Federal facilities. The EPA uses administrative actions for enforcement of hazardous waste regulations. H.R. 2194 would define "person" under RCRA to include each department, agency, and instrumentality of the United States.

When this bill was considered on the House floor 2 years ago, I offered an amendment that was unanimously approved by my colleagues. It required States to use on environmental restoration projects any fines collected for violations of RCRA by a Federal facility. Instead of these Federal taxpayers' dollars going into a State's general treasury to be spent in any manner, as is the current law, I believe very strongly that this money should be returned to the environment.

Mr. Speaker, this is an issue of environmental equity. If States receive money because a Federal facility has harmed the environment through a violation of RCRA, the money collected through fines ought to be returned to the environment in the form of restoration projects.

My provision leaves plenty of flexibility for the State to designate the types of environmental restoration projects, but it does require that the States spend the money on the environment. I am pleased that this amendment was included in the bill before us today.

Finally, I understand the administration has provided the committee with a list of amendments that seek to address Federal facility problems under RCRA. While I strongly support the Federal Facilities Compliance Act, I hope Congress will continue to work with the Department of Energy and the Department of Defense in resolving their concerns.

In conclusion, H.R. 2194 will restore public confidence in congressional efforts to clean up the environment. It will eliminate the current dual standard and, instead, simply subject Federal facilities to the same substantive and procedural RCRA requirements as State and local governments and private companies. It is my hope that this bill will be approved by Congress in a timely fashion.

Mr. DINGELL. Mr. Speaker, as we consider this legislation, I would like to take my colleagues back to when RCRA was last considered by the House. At that point it was understood that the legislation, among other things, accomplished three objectives. First of all it required that the Environmental Protection Agency [EPA] should be able to issue civil orders to other Government agencies. That is in H.R. 2194. It is there because the Department of Energy [DOE] challenged the EPA's interpretation of the statute. It is absolutely essential if EPA is to carry out its proper responsibilities that it have the ability to issue orders to the sister agency. DOE and DOD are enormously recalcitrant in complying with notices of violation.

Mr. Speaker, the second thing it did, which is very important, was permit the assessment of civil penalties against Federal agencies by States. This is nothing new, but because of a split interpretation in the courts in a number of States that issue has come under question. It is no longer clear that the States have the authority to issue those civil assessments or penalties against Federal agencies for their failure to comply with the act. There is nothing new, or startling, in this particular legislation. It is the same authority the States have under the Clean Air Act, Clean Water Act, Safe Drinking Water Act, and Medical Waste Tracking Act.

This is the third part: That EPA and the States were going to have the prime and the paramount responsibility in terms of addressing problems of cleanup and compliance. H.R. 2194 makes that clear. This again is nothing new.

Now why is it that we have to take this step? I mentioned that we are returning to the original interpretation of RCRA when it was last considered sanely and sensibly in the House. It should be pointed out that under that interpretation of the law, which also includes injunctive authority, there was no expenditure of money on cleanup programs dictated to agencies by the States out of the ordinary priorities that were set by the DOD, or the DOE or any of the other agencies of the Federal Government. Further, the Congressional Budget Office has determined that:

> Despite the extensive authority available to States under current law, they have not levied a substantial amount of environmental fines on Federal facilities.

What am I saying to my colleagues, Mr. Speaker? I am saying that we should have no hesitancy with regard to this legislation.

Now are there problems? Of course. Almost every Federal agency has areas under its jurisdiction which are Superfund sites. It has been mentioned that DOD has an enormous number of them. That is true, and they are very serious. It has been mentioned that DOE has them, and they are indeed terrifying because we are talking about not only hazardous waste of the most dangerous sort, but we are talking about nuclear waste. We are also talking about mixed waste, substances which defy almost any judgment as to the real peril that they impose upon this society, and we are not just talking about pollution of the air. We are talking about contamination of the soil, pollution of the water, and contamination of the ground water, something which will persist for hundreds of years.

Mr. Speaker, it must be observed here that the peril is enormous. One of the problems has been the absolute recalcitrance of Government agencies, not just the Defense Department, but the DOE and other Federal agencies to comply with the law. They have refused to adhere to the requirements that the Congress has set forth, and, if my colleagues want proof, take a look. They have contaminated the air, the soil, the water, and the subsurface waters. They have misled the Congress about it. They have concealed the facts from the State agencies. They have refused to cooperate in cleanups and their compliance record is far behind that of private industry.

The people of this country who are afflicted with polluted waters, radioactivity in their air, their soil, their subsurface waters, and who are afflicted with hazardous waste in their ground water, have a right to expect that their Government is going to comply with the law and is not going to endanger them by contamination of their environment. This bill will help assure compliance and cleanup by Federal agency polluters.

Mr. SIKORSKI. Mr. Speaker, I rise in support of the Federal Facilities Compliance Act of 1991, authored by my distinguished colleauges, DENNIS ECKART of Ohio and DAN SCHAEFER of Colorado as H.R. 2194.

Mr. Speaker, H.R. 2194 is singularly important to me. I was present at its creation. In 1987, the House Committee on Energy and Commerce held an oversight hearing on this problem of our Nation's disgraceful resistance to the enforcement of environmental laws at its own facilities. From this hearing came H.R. 2194.

In 1987, I described, hopefully, what is now the past:

Years where Minnesota citizens living near the Twin Cities Army Depot had their drinking water wells contaminated—and the Army refused to acknowledge that it caused the problem.

Years where the people of Minneapolis had their drinking water contaminated by the U.S. Navy installation at FMC. Until we changed the law in 1986, the Department of the Navy refused to even submit to a cleanup agreement.

I also look forward to the future. As my colleagues know, when America's hazardous waste law, the Resource Conservation and Recovery Act [RCRA] is reauthorized next year, I intend to offer amendments that will end the era where Federal facilities feel that they have a special privilege to pollute, contaminate, and harm people's health.

Now I would like to speak of the present—to making sure first and foremost, that States have the tools they need now to ensure that all egregious polluters change their ways and pollute no more.

By enacting H.R. 2194, the State of Minnesota—and all States—will finally have the tool that makes them true environmental regulators.

A few years ago, a Colorado judge ruled that a Department of Defense installation had to comply with a State hazardous waste law. In his court order the judge explained why States must have the enforcement tools necessary to ensure protection of public health and the environment. He wrote:

Sites like (Department of Defense installations) must be considered in the long range perspective of generations yet unborn and centuries still far over time's horizon. Indeed it is the people of (a State) who ultimately must pay the price of cleanup, or the price of not cleaning up this site * * * the worst hazardous and toxic waste site in America. It is not inappropriate that the present and future victims of this poison legacy, left in their midst by the Army * * * should have a meaningful voice in this cleanup. In RCRA, Congress has plainly provided them that voice * * * through the State.

Court Order, Rocky Mountain Arsenal, Judge Jim R. Carrigan, U.S. District Court, February 1989.

By empowering the States—by enacting H.R. 2194—that meaningful voice will finally be provided.

Mr. RICHARDSON. Mr. Speaker, I want to commend you for bringing this issue to the House floor so expediently. I also want to commend my colleagues, Mr. ECKART and Mr. SCHAEFER, for their perseverance in passing this important environmental legislation.

The environmental problems at our Federal facilties are unprecedented. Day after day we read about environmental contamination throughout our Federal complex. This committee has received testimony from the General Accounting Office, the Environmental Protection Agency, State attorneys general, and environmental organizations that our Federal facilities have historically had one of the worst compliance records with respect to the Resource Conservation and Recovery Act. In fact, Energy Secretary Watkins stated that:

The underlying operating philosophy and culture of DOE was that adequate production of defense nuclear materials and a healthy, safe environment were not compatible objectives.

It is time that the Federal Government is held fully accountable for environmental violations just as private industry and municipalities are. In 1976, Congress enacted section 6001 of the Resource Conservation and Recovery Act [RCRA] with the intent of holding Federal facilities subject to the same requirements as private industry, State agencies, and municipalities. Some State courts, however, in cases involving civil penalties against Federal facilities, have ruled that Congress did not clearly waive the sovereign immunity of the United States with respect to civil penalties.

H.R. 2194 would make it clear that Federal facilities are subject to requirements of Federal, State, and local government under the Resource Conservation and Recovery Act, including administrative orders and civil and criminal penalties. This bill is extremely important to the States and their ability to assess penalties against Federal facilities for environmental violations. I am a cosponsor of this legislation and I urge my colleagues' support.

Mr. RITTER. Mr. Speaker, I yield back the balance of my time.

Mr. SWIFT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and pass the bill, H.R. 2194, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ALLOWING CITY OF POCATELLO, ID, TO USE CERTAIN LANDS FOR A CORRECTIONAL FACILITY

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1448) to amend the act of May 12, 1920 (41 Stat. 596), to allow the city of Pocatello, ID, to use certain lands for a correctional facility for women, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOWANCE OF USE OF LAND FOR ADDITIONAL PUBLIC PURPOSE.

(a) MODIFICATION.—The first section of the Act entitled "An Act to grant certain lands to the city of Pocatello, State of Idaho, for conserving and protecting the source of its water supply," approved May 12, 1920 (41 Stat. 596), is amended by striking "city:", and by inserting in lieu thereof "city, and for use for the construction and operation of a correctional facility for women on no more than 40 acres in the west half of section two that are contiguous with Fore Road (as such road existed on June 11, 1991), provided that neither the city nor any other entity allows the construction after June 11, 1991, of any temporary or permanent road across City Creek or within the area 300 feet on each side of the centerline of such creek (but any road existing within such area on such date may be maintained to the same standard as existed on such date), and (with respect to the remainder of such lands) for use for outdoor recreational purposes consistent with the maintenance of natural open space, wildlife habitat purposes, and other public purposes consistent with water storage or utility transmission purposes by such city or other governmental entity. The city of Pocatello may convey or lease to a governmental entity established under the laws of the State of Idaho such portion of the lands conveyed to such city under this Act as may be used for a correctional facility, but may not transfer any of the city's right, title, or interest in any other portion of such lands:"

(b) The first section of said Act is further amended by the addition of the following paragraphs at the end thereof:

"(b)(1) Notwithstanding any other provision of this Act, if any land, or portion thereof, granted or otherwise conveyed to the city of Pocatello under this Act is or shall become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601)), or if such land, or portion thereof, has been used for purposes that the Secretary of the Interior finds may result in the disposal, placement, or release of any hazardous substance, such land shall not, under any circumstance, revert to the United States.

"(2) If lands granted or conveyed to the city of Pocatello by or pursuant to this Act shall be used for purposes that the Secretary of the Interior finds: (A) inconsistent with the purposes for which such lands were granted or conveyed and not authorized by the Secretary pursuant to this Act, and (B) which may result in the disposal, placement, or release of any hazardous substance, the city of Pocatello shall be liable to pay to the Secretary of the Interior, on behalf of the United States, the fair market value of the land, including the value of any improvement thereon, as of the date of conversion of the land to such nonconforming purpose. All amounts received by the Secretary of the Interior pursuant to this subsection shall be retained by the Secretary of the Interior and used, subject to appropriations, for the management of public lands and shall remain available until expended."

(c) AMENDMENT OF PATENTS.—Upon the request of the city of Pocatello, the Secretary of the Interior shall amend any patents issued pursuant to the Act of May 20, 1920, so as to conform to the amendments to such Act made by this Act.

SEC. 2. MODIFICATION OF REPORTING REQUIREMENT.

The first section of the Act of May 12, 1920 (41 Stat. 596) is amended by designating the existing text of such section as section 1(a) and by striking out "of each year after the expiration of said two years," and inserting in lieu thereof "every five years beginning in 1996,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 1448, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1448 is a bill introduced by Representative STALLINGS and by my Interior Committee colleague, Representative LAROCCO.

The bill would amend a 1920 act that allowed the city of Pocatello, ID, to acquire certain Federal lands. Under that act, the lands can be used only for conservation and protection of the city's water supply. The State of Idaho is now in the process of deciding where to locate a new correctional facility, and the city would like to be able to make a portion of these lands available for that purpose. But that cannot be done under the existing law. The bill is intended to allow this additional use of these lands.

After the subcommittee hearing on H.R. 1448, the bill's sponsors worked with the committee, with Pocatello city officials, and with interested groups in Idaho to develop an amendment to respond to some concerns raised at the hearing, including the concerns of the administration. As a result, a substitute was developed that was approved by the committee and is now before the House.

The bill as reported would allow a correctional facility to be built on a 40-acre tract in the part of the lands where there are an existing road and city water-supply facilities, and would allow the city to transfer the site of the correctional facility to another governmental entity. It would preclude any new roads in the most sensitive riparian area near City Creek.

It would explicitly authorize compatible recreational use of the remainder of the lands, a use that occurs now but whose permissibility is questionable under the 1920 act, and would require the city to retain ownership of the lands except those used for a correctional facility.

It would also add to the 1920 act language to protect the United States against liability arising from possible contamination of the lands with hazardous materials, as requested by the administration.

Finally, the bill, as amended, would replace the current requirement for an annual report to the Secretary of the Interior about the use of the lands with a requirement for reports every 5 years, as is typical in similar situations involving the Recreation and Public Purposes Act.

I understand that the bill as reported by the committee is fully supported by the city of Pocatello and the citizens groups who have expressed concerns about the bill. It was approved in the committee without controversy.

Mr. Speaker, as reported from the Interior Committee this is a good bill that appropriately allows for possible location of a new correctional facility on the affected lands while still protecting sensitive areas and safeguarding the National Government from possible liability. The gentleman from Idaho, Mr. STALLINGS, deserves congratulations on working out a compromise that evidently is acceptable to all concerned, and the bill deserves the approval of the House.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1448 which has been ably explained in detail by Chairman VENTO. I note that this bill as amended is supported by both the city of Pocatello, ID, and a group of local Idaho citizens who had objections to the bill as introduced.

I note that H.R. 1448 is also supported by the administration. I commend Chairman VENTO and the Idaho delegation for their fine work on this bill.

□ 1350

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we appreciate the cooperation of the gentleman from California [Mr. LAGOMARSINO] and his staff, both the minority and majority staffs who have worked so hard on this legislation. I especially want to thank the gentleman from Idaho [Mr. STALLINGS] for the work that he has done on this measure. It is a small matter to most of us in terms of an issue, but I believe it is of tremendous importance to the State of Idaho and this particular community.

Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. I thank the gentleman for yielding.

Mr. Speaker, I rise today to urge passage of H.R. 1448. I also want to express my appreciation to the chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO], his staff, and the gentleman from Montana [Mr. MARLENEE], and his staff on the other side of the aisle for their expeditious and thoughtful handling of this bill. I also would like to commend the chairman of the full Committee on Interior and Insular Affairs, the gentleman from California [Mr. MILLER], and my colleague, the gentleman from Idaho [Mr. LAROCCO].

Mr. Speaker, the bill before us is the result of a compromise hammered out at the local level by members of both parties, by city and State officials and by conservation and homeowner groups. Mr. Speaker, I think the process that led to this compromise is an example of participatory decision-making at its best, and I would like to extend my congratulations to all the participants in the process.

This bill would enable Pocatello, ID, in cooperation with the Idaho Department of Corrections, to use certain land for construction of a correctional facility for women.

The land is already owned by Pocatello, but remains subject to use restrictions imposed by Congress when it authorized the sale of the land to the city in 1920. These restrictions preclude

construction of the facility. This bill would permit use of 40 acres of the land for construction of the prison.

The bill also clarifies that the remaining 2,200 acres of the land may be used for recreational or other purposes provided they are compatible with the conservation and protection of the city water supply—the purpose for which the land was originally sold to Pocatello.

A consent decree and related court actions arising out of recent litigation require Idaho to build the women's correctional facility promptly. The Pocatello site has the support of the Governor, both political parties on the local level, the mayor, the county commission, the entire congressional delegation here and in the Senate.

In addition, I believe it is important and significant that the bill does not require the prison to be built on this site, it merely makes it possible for Pocatello to offer this site for such a use if it decides to do so.

Mr. Speaker, this bill is a good, responsible piece of legislation and I urge its passage.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume for the purpose of commending the gentleman from Idaho for his work on this bill. It is a good measure. It provides, I think, another demonstration of the use of public lands for public purposes and still maintaining the intent of the 1920 law, and it meets the needs of the State of Idaho, the city of Pocatello.

So I certainly am pleased to have worked with the gentleman toward this end. These correctional facilities are hard to locate. This particular community is taking on that responsibility, under some duress, in the State of Idaho. It is a difficult task, but I am certain that they are going to respond and end up with a very positive facility.

Again I commend the gentleman from Idaho for his work.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1448, as amended.

The question was taken; and (two thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MANZANAR NATIONAL HISTORIC SITE

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 543) to establish the Manzanar National Historic Site in the State of California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—MANZANAR NATIONAL HISTORIC SITE

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—In order to provide for the protection and interpretation of historical and cultural resources associated with the relocation of Japanese-Americans during World War II, there is hereby established the Manzanar National Historic Site (hereinafter in this title referred to as the "site").

(b) AREA INCLUDED.—The site shall consist of the lands within the area generally depicted as Alternative 3 on map 3, as contained in the Study of Alternatives for Manzanar War Relocation Center, map number 80,002 and dated February 1989. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter in this title referred to as the "Secretary") may from time to time make minor revisions in the boundary of the site.

SEC. 102. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the site in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(b) DONATIONS.—Notwithstanding any other provision of law, the Secretary may accept and expend donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing services and facilities which he deems consistent with the purposes of this title.

(c) COOPERATIVE AGREEMENTS WITH STATE.—In administering the site, the Secretary is authorized to enter into cooperative agreements with public and private entities for management and interpretive programs within the site and with the State of California, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(d) WATER.—The water rights of the city of Los Angeles shall not be affected by the conveyance of lands under section 103, except that the Secretary shall not acquire such lands until such time as the Secretary has entered into an agreement with the city of Los Angeles which includes provisions to provide water sufficient to fulfill the purposes of the site and to protect the cultural, visual, and natural resources of the site as these resources might be affected by the exercise of such rights.

(e) TRANSPORT OF LIVESTOCK.—Any person who holds a permit from the Department of Water and Power of the city of Los Angeles, California, to graze livestock on city lands located contiguous with the site may move livestock across the Federal lands managed by the Bureau of Land Management located contiguous with the site for the purpose of transporting such livestock from one such parcel to the other.

SEC. 103. ACQUISITION OF LAND.

(a) IN GENERAL.—In order to carry out the purposes of this Act, the Secretary may acquire all lands referenced in section 101(b) through donation by or exchange with the city of Los Angeles.

(b) AUTHORITY.—Notwithstanding any other provision of law, in event of exchange under this section, the Secretary shall utilize the Secretary's authority under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) to exchange public lands within Inyo County, California, identified as suitable for disposal by the Bureau of Land Management. Priority for such exchange shall be given to lands identified for disposal in the Bishop Resources Area Resource Management Plan and lands immediately adjacent to the site.

(c) FACILITY.—The Secretary may contribute up to $1,100,000 in cash or services for the relocation and construction of a maintenance facility to replace the facility located on the land to be acquired under this section.

SEC. 104. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established an 11-member advisory commission to be known as the Manzanar National Historic Site Advisory Commission (hereinafter in this title referred to as the "Advisory Commission"). The Advisory Commission shall be composed of former internees of the Manzanar relocation camp, local residents, representatives of Native American groups, and the general public appointed by the Secretary to serve for terms of 2 years. Any member of the Advisory Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. The Advisory Commission shall designate one of its members as Chairman.

(b) MANAGEMENT AND DEVELOPMENT ISSUES.—The Secretary, acting through the Director of the National Park Service, shall from time to time, but at least semiannually, meet and consult with the Advisory Commission on matters relating to the development, management, and interpretation of the site, including the preparation of the general management plan.

(c) MEETINGS.—The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the site. Advisory Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(d) EXPENSES.—Members of the Advisory Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this title on vouchers signed by the Chairman.

(e) CHARTER.—The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to the Advisory Commission.

(f) TERMINATION.—The Advisory Commission shall terminate 10 years after the date of enactment of this title unless the Secretary determines that it is necessary to continue consulting with the Advisory Commission in carrying out the purposes of this Act.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as necessary to carry out this title.

TITLE II—JAPANESE AMERICAN NATIONAL HISTORIC LANDMARK THEME STUDY

SEC. 201. SHORT TITLE.

This title may be cited as the "Japanese American National Historic Landmark Theme Study Act".

SEC. 202. THEME STUDY.

(a) STUDY.—The Secretary of the Interior (hereinafter in this title referred to as the "Secretary") is authorized and directed to prepare and transmit to the Congress no later than two years after the date of enactment of this title a National Historic Landmark Theme Study on Japanese American history (hereinafter in this title referred to as the "Theme Study"). The purpose of the Theme Study shall be to identify the key sites in Japanese American History that illustrate the period in American history when personal justice was denied Japanese Americans. The Theme Study shall identify, evaluate and nominate as national historic landmarks those sites, buildings, and structures, that best illustrate or commemorate the period in American history from 1941-1946 when Japanese Americans were ordered to be detained, relocated or excluded pursuant to Executive Order Number 9066, and other actions. The study shall include (but not be limited to) the following sites:

(1) Internment or concentration and temporary detention camps where Japanese Americans were relocated, detained and excluded pursuant to Executive Order Number 9066, issued on February 19, 1942. The internment camps include: Tule Lake, California; Rohwer, Arkansas; Gila River, Arizona; Poston, Arizona; Granada, Colorado; Jerome, Arkansas; Heart Mountain, Wyoming; Minidoka, Idaho; and, Topaz, Utah. The temporary detention camps include Pomona, California; Santa Anita, California; Fresno, California; Pinedale, California; Tanforan in San Bruno, California; Sacramento, California; Marysville, California; Mayer, Arizona; Salinas, California; Turlock, California; Merced, California; Stockton, California; Tulare, California; Puyallup, Washington; and, Portland, Oregon.

(2) Angel Island, California, the port of entry for many Japanese Issei.

(3) Camp Shelby, Mississippi, the training ground for the 442nd Infantry Regimental Combat Team.

(4) Camp Savage and Fort Snelling, Minnesota, locations for the Military Intelligence Service Language School where Japanese Americans received Japanese language instruction, enabling the Japanese Americans to translate Japanese war plans into English.

(5) Camp McCoy, Wisconsin where the 100th Infantry Batallion was trained.

(6) Terminal Island, California the first location where Japanese Americans were forced to evacuate.

(7) Bainbridge Island, Washington where Japanese Americans were evacuated pursuant to Exclusion Order Number 1.

(8) Immigration and Naturalization Service internment camps at Crystal City, Kennedy and Seagoville, Texas, Missoula, Montana, and Bismarck, North Dakota.

(b) IDENTIFICATION AND LIST.—On the basis of the Theme Study, the Secretary shall identify possible new National Historic Landmarks appropriate to this theme and prepare a list in order of importance or merit of the most appropriate sites for National Historic Landmark designation.

SEC. 203. CONSULTATION.

In carrying out the study, the Secretary shall consult with Japanese American citizens groups, and scholars of Japanese American history, and historic preservationists. The Secretary shall receive permission from Indian tribes to obtain access to Indian lands.

SEC. 204. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with one or more Japanese American citizens organizations knowledgeable of Japanese American history, especially the relocation and internment period during World War II, to prepare the Theme Study and ensure that the Theme Study meets current scholarly standards.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as are necessary to carry out this title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 543 was introduced by Representative MEL LEVINE of California. As reported by the Committee on Interior and Insular Affairs, the bill would designate the Manzanar War Relocation Center located in eastern California as a national historic site, and provide for a landmark theme study of Japanese-American history during the period of 1941-46.

The wartime relocation of persons of Japanese descent is an extraordinary and tragic event in American history. Over 120,000 people were forcibly removed to relocation camps located mostly in desolate areas of the West. Forced to take with them only what they could carry, these citizens had to endure not only the loss of property and liberty but the stigma of suspected disloyalty. Congress recently recognized the injustice of this policy by passing the Civil Liberties Act which apologized and provided restitution to Japanese-Americans interned during World War II.

H.R. 543 would designate the 500-acre Manzanar War Relocation Center as a national historic site. Manzanar was the first of the 10 relocation centers and it held 10,000 people from the spring of 1942 to the end of 1945. Manzanar is already a national historic landmark and was recommended by the National Park Service for designation as a national historic site in 1989. I would like to commend Mr. LEVINE for his leadership and hard work on this important piece of legislation which will remind present and future generations of this sad chapter in American history when our Government unjustly treated an entire group of U.S. citizens simply because of their ancestry.

The Subcommittee on National Parks and Public Lands held a hearing on H.R. 543 in late May of this year. Testimony in support of the bill was presented by the National Park Service, Japanese-American citizen groups, Inyo County, CA, the city of Los Angeles, CA and other public witnesses. An amendment in the nature of a substitute was adopted in the Interior Committee which addresses several issues raised at the hearing. This amendment was developed in close consultation with the author of the bill, the chairman of the full committee, the administration, Representative BILL THOMAS in whose district the Manzanar camp is located and the various parties which will be affected by this legislation.

As reported by the Committee on Interior and Insular Affairs, H.R. 543 provides that land for the historic site could be acquired by donation or exchange only. The Manzanar site is owned entirely by the Los Angeles Department of Water and Power. Although normal policy is to authorize land acquisition from governmental bodies by donation only, the department has stated that it is prohibited by its charter from donating land to another governmental entity. It is unclear if this is in fact the case, since the city's position is based on a 50-year-old departmental legal opinion and has never been tested. Given this shakey legal position and considering the city's large land holdings on the Owens Valley, their ability to retain water rights to the Manzanar site and the considerable public benefit which would result from the establishment of the historic site, the committee has included report language in the committee report accompanying H.R. 543 directing the Department of Water and Power and the National Park Service to fully explore the possibility of donating the land to the National Park Service before considering the possibility of a land exchange. The bill provides for the retention of water rights on the site by the city of Los Angeles and provides for a cooperative agreement between the city and the National Park Service for the supply of an adequate amount of water for park operations.

Additionally the bill includes a provision worked out with Representative BILL THOMAS to authorize the replacement of the Inyo County maintenance facility which is currently housed in the building that was used during the World War II internment as a camp auditorium. This is the only major building which remains intact from the World War II Japanese-American internment period and would be used by the National Park Service as a visitor facility at the site.

Finally, H.R. 543, as reported contains the text of H.R. 2351, legislation introduced by Interior Committee Chairman George Miller to authorize the National Park Service to conduct a

landmark theme study on Japanese-American history during the period 1941–46. This study will determine the significance and integrity of a number of sites related not only to the internment camps but the lesser known history of the participation and contributions of Japanese-American citizens in the war effort as combatants or as intelligence gatherers. I believe this landmark theme study complements the establishment of the Manzanar historic site by providing for the consideration of sites related to the contributions of many Japanese-Americans during the war and commend Chairman MILLER for introducing this bill.

Mr. Speaker, 3 years ago this body passed legislation which acknowledged the injustice of the internment policy and apologized on behalf of the people of the United States. Our willingness to make restitution when we departed from our founding principles of freedom and civil liberties is a sign of our humility and greatness as a nation. Today we have a unique opportunity to build on that record by establishing a national historic site which will serve as a permanent reminder of a time when our country denied its own citizens rights guaranteed in the Constitution and Bill of Rights. I urge all of my colleagues to vote for this proposal today.

□ 1400

Mr. Speaker, I ask my colleagues to support this outstanding measure, and I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of title I of H.R. 543 which provides for the establishment of Manzanar National Historic Site in Inyo County, CA. This act would recognize and commemorate an important aspect of American history, the internment of over 110,000 Japanese-Americans during World War II without charges or a trial. It is appropriate that this important story be broadly interpreted to the American people, so that we can be sure to learn from our past actions.

Mr. VENTO has adequately described the historic significance of the events which took place at Manzanar and explained the details of the bill language we are considering today. I would like to briefly point out the significance of several features of this measure, which represent some new thinking in the creation of park areas.

With this bill comes a recognition that we cannot expect that as a matter of course, new park areas will be created on the backs of State and local government agencies. If the Congress wants to create a new park area or expand an existing one, it will have to consider the full cost of its actions. In the case of Manzanar, we are creating a park from lands owned exclusively by the Los Angeles Department of Water and Power and facilities owned by Inyo County.

Under existing law, and in accord with past practices, Congress would have insisted on donation of the lands and limited acquisition costs to the fair market value of the facilities acquired, since after all creation of the park was for the benefit of the American people. Indeed, based on press reports, there was substantial pressure brought upon the agencies to donate their interests so that the cost of Federal park establishment to the American taxpayer could be minimized. While I would certainly not object to a donation of property interests on behalf of other Government agencies, such donations are something that Congress should reward with distinction, not insist upon as standard operating procedure. These non-Federal agencies are often in no better financial condition than the Federal Government.

In this particular case, we have added language to the bill which authorizes the department of water and power to be compensated for their land interests through exchange. We have placed language into the bill, which will allow for replacement of the county maintenance facility at a cost of up to $1.1 million, which may be as much as four or five times the actual fair market value of the facility the Federal Government is acquiring.

I applaud the chairman for recognizing the true costs of establishing such a park.

I would also like to recognize the efforts of Mr. BILL THOMAS of California who has done an excellent job of representing the interests of his constituents during the development of this measure.

I also note that this bill includes as title II, a Japanese-American landmark study. While the study process outlined in this measure is far preferable to that passed by the House earlier this session, I note that the administration is opposed to this title. Their opposition is based on the very narrow focus of this study and the fact that much of the work called for has already been accomplished. I hope that the concerns of the administration can be addressed in the Senate.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Speaker, I would like to begin by thanking the chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO], as well as his staff, for their great help in working with the various parties who are interested in this legislation and in expediting the movement of this legislation, and I also want to thank the gentleman from California [Mr, MILLER], who chairs the full committee, for moving this bill so swiftly through the full committee and for including his important provisions which now comprises title 2 of this legislation. In addition, I would like to thank and commend my colleagues, the gentleman from California [Mr. THOMAS] in whose district this site resides, as well as my close friend, the gentleman from California [Mr. MINETA], and the gentleman from California [Mr. MATSUI] for their support and assistance in the development of this legislation. Finally, I would like to thank Mayor Tom Bradley of the city of Los Angeles for his support and his leadership in terms of bringing the city of Los Angeles to a position to support this legislation, as well as Sue Embry and Rose Ochi of the Manzanar Committee for their outstanding work in building the coalition of support that made this bill a reality.

Mr. Speaker, as the gentleman from Minnesota [Mr. VENTO] has already indicated, the internment of Japanese Americans during World War II will undoubtedly be remembered as one of the great blots on American history, one of the great tragedies, one of the great injustices to any people and, particularly, to citizens of this country, citizens who were loyal and patriotic Americans, but who nevertheless were forcibly interned because of false and unfair suspicions with regard to their loyalty during World War II. Mr. Speaker, 120,000 persons of Japanese ancestry were held against their will from 1942 to 1945, 10,000 at the Manzanar camp alone.

The 100th Congress engaged in an historic and overdue debate with regard to this stain on our history and passed historic and, obviously, very significant legislation both to apologize to the internees and to compensate them. I think the debate in that Congress eloquently and appropriately put to rest some of the outrageous suggestions and assumptions that attended this tragic situation during World War II. In the context of that debate, the Government, through the Congress, formally apologized to the former internees for the grave injustices which they suffered.

Now, Mr. Speaker, we are faced with the task of preserving a record of the experiences of the Japanese-American internees so that this type of wholesale violation of civil rights is never again repeated.

It has been almost 50 years since the internment camp was closed.

Regrettably, vandals and souvenir hunters have taken their toll on the physical remains of the camp. Now, two buildings, some foundations, and some gardens are the only signs of the terrible tragedy that occurred at Manzanar during World War II. We need to protect the site from further deterioration.

As time passes, it will become increasingly difficult to find people who were old enough to remember being interned, much less those who were old enough to understand the significance of the internment as they experienced it.

If we act quickly, we can preserve both the memories and the camp itself, to establish a lasting record of the internment of Japanese-Americans, and of the conditions they endured.

Mr. Speaker, this historic site will be the foundation for the preservation of a historic record of the Japanese-American community's experiences during this tragic period in American history. Hopefully, it will help to ensure that no one else will be forced to endure inhumane policies internees faced at Manzanar and nine other sites around the country.

I want to mention briefly, Mr. Speaker, that the Los Angeles Department of Water and Power has expressed concern about the impact that this legislation might have on Los Angeles' water rights. As the chairman indicated, that concern has been fully addressed. This will not impact Los Angeles' water rights. This will not compromise Los Angeles' water in any regard, nor cost Los Angeles one drop of water.

It is my hope, Mr. Speaker, that Manzanar will serve as a reminder of the grievous errors, and inhumane policies we pursued during World War II.

We must never allow such actions to occur again.

Mr. Speaker, I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG], the ranking member of the Committee on Interior and Insular Affaris.

Mr. YOUNG of Alaska. First, Mr. Speaker, let me congratulate the gentlemen from California, Mr. MATSUI and Mr. MINETA for their work on this legislation in addition to the gentleman from California [Mr. LEVINE].

We have to remember one thing, that in 1941 Hitler had the Jews, and Franklin Delano Roosevelt had the Japanese. It was a dark time in our history. It was dark in many ways, and many people recited this on the floor in the last Congress, but we actually passed legislation to apologize, and to rehabilitate and to compensate the American-Japanese, and I want to compliment the people that sponsored this bill to again bring it to light that we must not forget this happened in our democracy. This happened in other parts of the world, in the same era of time, and these types of memorials must be set aside.

However, Mr. Speaker, I would be remiss if I did not also remind those that recognize the American-Japanese that we also had the same thing happen in Alaska with the Aleuts of the Pribilof Islands where they were removed from their homes forcibly, put into concentration camps and into work camps around Alaska and the lower 48 at a great loss of life and property, not because they were American-Japanese, but because they had last names that were Russian names.

I do not think this Nation ever, ever again should ever have the opportunity again, just becasue one has a last name that happens to coincide with our enemy or a racial identity that coincides with the enemy, if they are Americans, to be set aside in concentration camps and interned.

This is good legislation. It should be voted on. I compliment the sponsors, and let us not ever have this again in American history.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MINETA], a sponsor of the measure.

□ 1410

Mr. MINETA. Mr. Speaker, I rise today in strong support of H.R. 543, which will designate the former Manzanar internment camp as a national historic site and will study other locales important to the experience of Americans of Japanese ancestry during the Second World War.

H.R. 543 will educate all Americans about the injustices endured by Americans of Japanese ancestry during the Second World War while commemorating their incomparable achievement toward winning that war for freedom and democracy.

More than accomplishing those goals, though, this bill will help ensure that no other Americans again suffer the injustices of internment.

Mr. Speaker, when the Congress passed the Civil Liberties Act of 1988, the U.S. Government apologized for denying basic constitutional rights to its own citizens.

But to avoid another such contravention of our rights, we must continue to remind ourselves of the lessons of the internment. We must remember the circumstances that enabled the Government to suspend its own bill of rights because of war hysteria and prejudice.

That is why the Civil Liberties Act called for a fund to promote continuing education about the internment.

Awareness, discussion, and self-examination are the keys to maintaining a vigilant and active society.

For many people who were interned, the names and places contained in this bill are living history. My family and I were imprisoned in Santa Anita Racetrack. We were later interned in the camp at Heart Mountain, WY.

The 442d Regimental Combat Team was formed by volunteers who left their families in the camps and went on to become the most highly decorated combat unit of the war in Europe. They trained at Camp Shelby, MS.

Indeed, every site named in this legislation has great personal meaning for those who were interned, and for American history.

Along with the people who lived at Lexington and Concord, Gettysburg, and Council Bluffs, those who were interned are a part of our national heritage.

Eventually, the men, women, and children who lived these times will be gone as well. But by adopting this legislation today, we can ensure that the memory of their experience lives on.

Mr. Speaker, the internment of Americans of Japanese ancestry during the Second World War is not a Japanese-American issue. It is not an Asian-American issue. It is an American issue.

In 1988, the Congress and the President said that the United States made a great mistake in 1942. And together, we pledged that it would never again occur.

This bill will help ensure that the full story of the internment will be told and remembered. And by doing so, it will help ensure that the internment will never be repeated.

I commend the chairman of the Subcommittee on National Parks and Public Lands, Mr. VENTO, and the ranking minority member, Mr. MARLENEE for their support.

I would like to thank Chairman GEORGE MILLER and the ranking Republican DON YOUNG of the full Interior Committee.

I would like to extend my special thanks to the gentleman from Los Angeles, Mr. LEVINE, who has continued to demonstrate his dedication to civil rights over the years, and to my fellow Californians BOB LAGOMARSINO and BILL THOMAS, whose efforts on behalf of the bill have been invaluable.

I urge my colleagues to support the bill.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to one of the sponsors of a major title of this bill, the gentleman from California [Mr. MILLER], chairman of the Committee on Interior and Insular Affairs.

Mr. MILLER of California. Mr. Speaker, I rise in support of H.R. 543. Title I designates the Manzanar National Historic Site in California. Title II is identical to H.R. 2351, legislation I introduced to direct the Secretary of the Interior to conduct a national historic landmark theme study on Japanese-American history.

The Japanese-American internment period from 1941–46 was a tragic period in history. On February 19, 1942, President Roosevelt issued Executive Order No. 9066 which gave the Secretary of War permission to exclude any person from designated areas in order to secure national defense objectives against sabotage and espionage. The

order was used to remove persons of Japanese ancestry, including American citizens and resident aliens, from the west coast.

Within a few months more than 100,000 people were ordered to give up their homes, farms, and businesses and forced to move to relocation centers and temporary detention camps in the western United States. The 10 relocation centers were Manzanar, CA; Tule Lake, CA; Poston, AZ; Gila River, AZ; Granada, CO; Jerome, AR; Rohwer, AR; Heart Mountain, WY; Minidoka, ID; and, Topaz, UT. Assembly centers were located in California, Arizona, Washington, and Oregon. In addition, the Immigration and Naturalization Service held Japanese-Americans at internment camps in New Mexico, Texas, Montana and North Dakota.

H.R. 543, introduced by Congressman MEL LEVINE, would designate Manzanar a national historic site in California. Manzanar was the first of 10 relocation camps where American citizens and resident aliens because of their Japanese heritage were sent against their will. Approximately 10,000 persons were relocated to Manzanar which now holds a special meaning to many Americans, especially those of Japanese descent.

Today, many visitors traveling in the Owens Valley along Highway 395 in California stop at Manzanar. Unfortunately, the historic resources at Manzanar are not well protected. Vandalism frequently occurs on the site. H.R. 543 would help protect Manzanar by authorizing the Secretary of the Interior to enter into cooperative agreements with public and private entities in California to manage the site and institute interpretive programs.

Manzanar is located on lands owned by the Los Angeles Department of Water and Power. H.R. 543 authorizes the Secretary of the Interior,to accept by donation or exchange the land. The city of Los Angeles would retain the water rights. It is my hope that the city will see fit to donate the approximately 550-acre Manzanar site. If the Los Angeles Department of Water and Power refuses, we will have lost a grand opportunity to teach others about the history of Manzanar and the importance of protecting civil liberties and the Constitution.

As my colleagues may recall, many Japanese-Americans, despite Executive Order No. 9066, participated in the defense of this country during World War II. Some were trained at such sites as Camp Shelby, MS and Camp McCoy, WI. Other Japanese-Americans were giving Japanese language lessons at the Military Intelligence Service language schools at Fort Savage and Fort Snelling, MN. Title II of H.R. 543 directs the Secretary of the Interior to study these sites and others for possible designation as national historic landmarks.

Scattered throughout the United States, the sites tell the story of a time when we allowed American citizens to be denied personal justice. This legislation will help future generations understand that humiliation and injustice suffered as a result of hysteria and racism, even during war time, should not be tolerated.

H.R. 543 complements the apology we made to Japanese-Americans in the Civil Liberties Act of 1988 by further recognizing the mistakes we made during World War II, and reinforcing our commitment to civil liberties and the Constitution.

Mr. Speaker, I thank Congressmen VENTO and LEVINE, as well as the Japanese-American Citizens League for their contributions in this important legislation. I encourage my colleagues to support H.R. 543.

Mr. THOMAS of California. Mr. Speaker, I rise to offer my comments in support of the bill before us today, H.R. 543, to establish a Manzanar National Historic Site in Inyo County, CA, within the 20th Congressional District which I represent.

I realize there are some who oppose the establishment of any sort of National Park Service unit to officially commemorate the U.S. internment of thousands of Japanese-Americans during World War II. The belief is that we should let the past be past, that an episode such as this is an embarrassment to the United States that should be allowed to be forgotten. I disagree, obviously, with such sentiments, but I do understand the reluctance to come face to face with an unfortunate piece of our not-too-distant past. It is uncomfortable, it is painful, to remember that time. But it is incumbent upon us to do so, because only through a diligent preservation of those memories can we hope to avoid their repetition in the future.

One of the best ways to ensure that we, as a nation, remain mindful of the precious rights and privileges with which we are blessed but which we all too often take for granted, is to formally commemorate a time when many of these same rights and privileges were suspended for many of our fellow citizens. Just such a commemoration would be appropriately served by the establishment of a national historic site at Manzanar. I urge my colleagues to support the passage of H.R. 543.

Mrs. MINK. Mr. Speaker, I rise in strong support of H.R. 543, a bill to designate Manzanar internment camp as the Manzanar National Historic Site. One of the greatest of American traditions is the preservation of historic sites so that future generations may fully appreciate the lessons this Nation has learned in the years our country has existed.

The internment of Japanese-Americans during World War II is not a proud chapter in our history and it is certainly not a pleasant memory for those who survived the ordeal, but it is nonetheless a part of the American experience that must be preserved so that those whose lives were shattered by this great injustice will not have suffered in vain.

Mr. Speaker, this Nation has realized the mistake that was made in unfairly imprisoning Japanese-American families during the war because of their ancestry. This Congress has taken steps to try and make up for the damage done by giving reparations to those who were subjected to internment. But above all apologies and compensations, the victims of this crime and their families wish that their sacrifices be remembered, honored, and most of all, that this type of injustice against one group of Americans never be repeated.

I commend Chairman VENTO and the committee for their fine work in bringing this bill forward. The acquisition of the Manzanar site and the establishment of the Japanese-American internment study will go a long way toward healing the wounds of this tragic period of our history.

Perhaps the time has come to forgive the terrible mistakes made by misguided Government officials during the Second World War. But while we can forgive, we must never forget. Manzanar and the other internment sites will always be remembered as the places where our Government ignored at home the very freedoms we were fighting to uphold around the world. It is not a pleasant memory but it is most definitely an American memory.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I have no further request for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill (H.R. 543), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING ESTABLISHMENT OF A MEMORIAL AT CUSTER BATTLEFIELD NATIONAL MONUMENT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 848) to authorize the establishment of a memorial at Custer Battlefield National Monument to honor the Indians who fought in the Battle of the Little Bighorn, and for other purposes, as amended.

The Clerk read as follows:

H.R. 848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. REDESIGNATION OF MONUMENT.

The Custer Battlefield National Monument in Montana shall, on and after the date of enactment of this Act, be known as the "Little Bighorn Battlefield National Monument" (hereafter in this Act referred to as the "monument"). Any reference to the Custer Battlefield National Monument in any law, map, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the Little Bighorn Battlefield National Monument.

SEC. 102. CUSTER NATIONAL CEMETERY.

The cemetery located with the monument shall be designated as the Custer National Cemetery.

TITLE II

SEC. 201. FINDINGS.

The Congress finds that—

(1) a monument was erected in 1881 at Last Stand Hill to commemorate the soldiers, scouts, and civilians attached to the 7th United States Cavalry who fell in the Battle of the Little Bighorn;

(2) while many members of the Cheyenne, Sioux, and other Indian Nations gave their lives defending their families and traditional lifestyle and livelihood, nothing stands at the battlefield to commemorate those individuals; and

(3) the public interest will best be served by establishing a memorial at the Little Bighorn Battlefield National Monument to honor the Indian participants in the battle.

SEC. 202. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall establish a committee to be known as the Little Bighorn Battlefield National Monument Advisory Committee (hereafter in this Act referred to as the "Advisory Committee").

(b) MEMBERSHIP AND CHAIRPERSON.—The Advisory Committee shall be composed of 11 members appointed by the Secretary, with 6 of the individuals appointed representing Native American tribes who participated in the Battle of the Little Bighorn or who now reside in the area, 2 of the individuals appointed being nationally recognized artists and 3 of the individuals appointed being knowledgeable in history, historic preservation, and landscape architecture. The Advisory Committee shall designate one of its members as Chairperson.

(c) QUORUM; MEETINGS.—Six members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall act and advise by affirmative vote of a majority of the members voting at a meeting at which a quorum is present. The Advisory Committee shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the monument. Advisory Committee meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(d) ADVISORY FUNCTIONS.—The Advisory Committee shall advise the Secretary to ensure that the memorial designed and constructed as provided in section 203 shall be appropriate to the monument, its resources and landscape, sensitive to the history being portrayed and artistically commendable.

(e) TECHNICAL STAFF SUPPORT.—In order to provide staff support and technical services to assist the Advisory Committee in carrying out its duties under this Act, upon request of the Advisory Committee, the Secretary of the Interior is authorized to detail any personnel of the National Park Service to the Advisory Committee.

(f) COMPENSATION.—Members of the Advisory Committee shall serve without compensation but shall be entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in government service under section 5703 of title 5 of the United States Code.

(g) CHARTER.—The provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. Appendix; 86 Stat. 776), are hereby waived with respect to the Advisory Committee.

(h) TERMINATION.—The Advisory Committee shall terminate upon dedication of the memorial authorized under section 203.

SEC. 203. MEMORIAL.

(a) DESIGN, CONSTRUCTION, AND MAINTENANCE.—In order to honor and recognize the Indians who fought to preserve their land and culture in the Battle of the Little Bighorn, to provide visitors with an improved understanding of the events leading up to and the consequences of the fateful battle, and to encourage peace among people of all races, the Secretary shall design, construct, and maintain a memorial at the Little Bighorn Battlefield National Monument.

(b) SITE.—The Secretary, in consultation with the Advisory Committee, shall select the site of the memorial. Such area shall be located on the ridge in that part of the Little Bighorn Battlefield National Monument which is in the vicinity of the 7th Cavalry Monument, as generally depicted on a map entitled "Custer Battlefield National Monument General Development Map" dated March 1990 and numbered 381/80,044–A.

(c) DESIGN COMPETITION.—The Secretary, in consultation with the Advisory Committee, shall hold a national design competition to select the design of the memorial. The design criteria shall include but not necessarily be limited to compatibility with the monument and its resources in form and scale, sensitivity to the history being portrayed, and artistic merit. The design and plans for the memorial shall be subject to the approval of the Secretary.

SEC. 204. DONATIONS OF FUNDS, PROPERTY, AND SERVICES.

Notwithstanding any other provision of law, the Secretary may accept and expend donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing for the memorial.

SEC. 205. AUTHORIZATION OF APPRORPIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the measure presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 115 years ago today the Battle of the Little Bighorn was fought in Montana. A Native American victory that occurred as this country was celebrating its centennial, the Battle of the Little Bighorn has long aroused strong passions. The U.S. 7th Cavalry, led by Lt. Col. George Armstrong Custer, was defeated by the assembled Sioux, Cheyenne, and Arapaho Indians who were fighting to save their traditional ways of life.

H.R. 848 was introduced by my colleague on the Interior committee, Representative BEN NIGHTHORSE CAMPBELL. As amended by the Interior Committee, the legislation accomplishes two things. First, it changes the name of the battlefield to Little Bighorn Battlefield National Monument. This name change, sought for many years, is consistent with our national tradition and policy of naming battles for the place where they were fought rather than for those who fought in them and its existing name is an anomaly within the National Park System. Indeed, General Custer's widow, Elizabeth Custer, was among many who referred to the battle as the "Little Bighorn" and the official Army name is also "Little Bighorn." Naming the battlefield for the individual who was defeated there has always been a matter of some contention, an accident of history really because the cemetery was named for Custer and was transferred to the National Park Service in 1940 and the monument when established in 1946. While there are some individuals who dislike the name change, the committee received extensive testimony supporting it from such diverse sources as the National Congress of American Indians, the Governor of Wyoming, the Montana-Wyoming Tribal Chairman's Association, and the Big Horn County, MT, Board of Commissioners. The National Park Service first considered changing the name in 1972. For greater accuracy, and greater justice that recognizes all who fought in the battle, this national park unit should be named the Little Bighorn Battlefield National Monument.

H.R. 848 also contains important provisions directing the Secretary of the Interior to design, construct, and maintain a memorial to the Indians present at the Battle of the Little Bighorn. This battle was the clash of two cultures, each trying very hard to ensure that it could pursue its way of life. The memorial is intended to be a healing memorial for those of us living today as well as a remembrance of those who fought and who died near the banks of the Little Bighorn River 115 years ago. It is important we recognize all who fought at this battle, as well as what they fought for. I endorse this legislation, as amended, and urge its passage by the House.

□ 1420

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation, with some reservation. The reservation comes from the gentleman from Montana [Mr. MARLENEE]. We, jointly with the gentleman from Montana [Mr. MARLENEE] and the gentleman from Colorado [Mr. CAMPBELL], supported the legislation, and there has been some discussion possibly that

maybe local involvement might have come out better. But, overall, I suggest that the gentleman from Colorado [Mr. CAMPBELL], is absolutely correct in sponsoring this legislation.

Mr. Speaker, we have to recognize the history and background of this moment. I, very frankly, have watched and listened many times about the history of Lt. Col. George Custer, and many times he got the recognition and not those other people involved in this conflict.

The other people, it was on their land, they conducted a great battle, a battle strategy that still goes down in the annals of battlefield strategy. I can tell you that this monument should be erected. This is an attempt to do it, and I think it should be done, not only in recognition of Mr. Custer, but the American Indians that fought in this battle.

Mr. Speaker, it is indeed a pleasure to speak on behalf of this legislation with the gentleman from Colorado [Mr. CAMPBELL] and the gentleman from Montana [Mr. MARLENEE], and I hope this body sees the wisdom to pass this legislation.

Mr. VENTO. Mr. Speaker, I mentioned the gentleman from Colorado [Mr. CAMPBELL] and his work on this, along with the gentleman from Montana [Mr. WILLIAMS]. They both have worked very hard. The gentleman from Colorado [Mr. CAMPBELL] introduced two bills, both of them I believe cosponsored by the gentleman from Montana [Mr. WILLIAMS]. I would like to thank the gentleman for his work on this. He went out to Montana and did a field hearing on the topic a couple of weeks ago, and it was very helpful in processing and addressing the concerns of this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. CAMPBLELL].

Mr. CAMPBELL of Colorado. Mr. Speaker, it is indeed an honor for me to stand before this body as the only American Indian in the U.S. Congress in support of House Resolution 848, a bill to authorize an Indian memorial at the Custer Battlefield National Monument, and to redesignate the battlefield as the "Little Bighorn Battlefield National Monument."

As the gentleman from Minnesota [Mr. VENTO] mentioned, it has been 115 years since the 7th Cavalry, led by George Armstrong Custer, encountered the seven bands of the Teton Sioux and the Northern Cheyenne camped along the banks of the Little Bighorn River in what we now call Montana. My own great-grandfather was in that battle.

The Indian people who were attacked by General Custer fought valiantly for their way of life, their families, as they knew it, and their very survival.

The soldiers, I believe, fought bravely, too, believing that their battles would make the West safe for settlers, miners, trappers, and others who sought fortunes and their futures during our Nation's westward expansion.

Shortly after that battle, the War Department began referring to that battle site as "Custer's Battlefield," and his name will always be identified with the battlefield. Perhaps, if Indian people had been allowed to participate in the naming of the battlefield at that time, we would not be here today, but the political climate of those times absolutely would not allow it. History, as we know, is written by those who have a written language, and Indians did not.

But as Dr. Barney Old Coyote, a member of the Crow Nation and a decorated veteran who flew 50 bomber missions in World War II noted recently in Billings, it does not seem appropriate that this battlefield be named for an individual who spent only 2 days at that site, while Indians have been there for generations.

I agree with Dr. Old Coyote. It has always been hard for Indian people to accept this site as it is currently known, and even today, many Indian people are reluctant to visit that site.

This bill does not attempt to revise history, Mr. Speaker, and I do not believe we are revising history by building an Indian memorial at the battlefield or by redesignating the battlefield to denote its geographic location.

This designation is consistent with present day National Park Service policy. In fact, as early as 1972, the National Park Service recommended a name change.

It was also even referred to in Libby Custer's will, General Custer's widow, as the Little Bighorn Battlefield, and not the Custer Battlefield, and at no time did she ask for it to be named the Custer Battlefield.

I, along with my distinguished colleagues from Montana, Mr. MARLENEE and Mr. WILLIAMS, had the pleasure of holding a hearing in Billings on June 10. I want to thank my chairman, Mr. VENTO, for the good work that his staff did on that hearing, particularly Heather Huyck, who spent so much time at the last minute making arrangements for that bill.

As it stands now, the Governor of Montana and the Governor of Wyoming, the Montana State Legislature, and the Bighorn County Commissioners, have all submitted testimony for the Record in support of both the name change and the monument.

In addition, a hearing was held here in Washington this year, and one, in fact, was held last year, to gather testimony from the tribes affected, and they fully support this bill.

Both Montana Senators supported this bill in its present form last year, as they have indicated they will again this year.

The gentleman from Montana [Mr. MARLENEE] did have some concerns that I believe have been met by maintaining the name of the Custer National Cemetery within the monument boundaries. I believe people have had an ample opportunity to comment on this proposed change.

Mr. Speaker, if this body stands for anything, it stands for justice, and if this bill speaks to anything, it speaks to justice. Each day we end our Pledge of Allegiance with the sentence, "with liberty and justice for all." It does not end with a sentence that says, "liberty and justice for some, at the expense of others." Yet for over a century, 2 million American Indians have been denied equal and just treatment in the single most visible symbol of the tragic movement of westward expansion. We have seen fit to tell the world that we made a mistake in dealing with black people in the days of slavery, and he have seen fit to tell the world that we made a mistake in World War II in incarcerating Japanese-Americans. We just spoke to that again in passing the Manzanar bill.

Mr. Speaker, it is now time to tell the world that we made a mistake in denying the American Indians equal and fair honor on the battlefield at the Little Bighorn.

Mr. VENTO. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. DINGELL]

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentleman for yielding me this brief amount of time.

Mr. Speaker, I would like to begin by observing that there is no real strong or compelling reason for the adoption of this legislation, aside from the fact that we should permit the native American peoples to construct a proper monument to those amongst their number who died at the Battle of the Little Bighorn in 1876.

It must be observed that those who died in the uniform of the United States at the Battle of the Little Bighorn did so as persons serving their Nation, honestly believing in the justice and rightness of their cause, and carrying out orders which were issued to them by proper authorities. To now rewrite history and say in some fashion that it is improper that we should name that battlefield after General Custer, or that in some way he or the men who served here and died there were behaving improperly, is indeed to distort history in a curious, and I believe a seriously improper way.

Like all other Americans, I have great admiration for the Indian peoples of this Nation. I believe they have a great tradition, a great history, and they have enriched the lives of the people of this Nation by their contributions. But to say that in some way it is a carrying out of an act of justice to rename the Custer Battlefield after some other title, is, I believe, to stretch the truth.

Mr. Speaker, justice is something which we will all learn about in the

hereafter, but I do not believe that anyone can say that there is injustice in naming this battlefield after Gen. George Custer and those who died with him.

□ 1430

A monument for the Indians who died there? Certainly. A monument for the soldiers of the United States who died there is indeed appropriate. A battlefield monument named after General Custer, regardless of whether he stayed there 2 days or 2 years or 200 years, is fully appropriate. After all, he died there, as did a large number of American soldiers carrying out their appropriate and proper duty.

I believe that if the question were put to them, it can be fairly said that they would say that the naming of this site was entirely appropriate. It has been so called for many years. There is no strong reason to change it.

My constitutents who live in the hometown and the home county of General Custer, the city of Monroe, and the county of Monroe do not support this. I believe that those who have descended from the soldiers who served and suffered and died at this battlefield have similar feelings.

Again, I reiterate, we can have a monument to and for the native Americans who died there. That is fully fitting and appropriate. But I see no reason to go beyond that point, and I think that calling the change of name some act of justice which is affecting the Indian people one way or another is not only to distort but to stretch the truth well beyond any level of believability or credibility.

I urge my colleagues to reject this legislation. It is unnecessary. It is unwise. It is offensive. It demeans the American soldiers who died at Little Bighorn and in some way it makes it appear that their behavior was improper, unjust, or that by renaming them in some way we are righting some kind of wrong which those men who suffered and died there have committed.

I say no wrong was committed there. I say no impropriety was committed by the American soldiers who died there. And so to rush out to correct some wrong which may or may not have existed in the minds of someone else is hardly the way that we should preserve the memories of those American soldiers who served their Nation right to the last moment of their life.

I urge my colleagues to reject the legislation.

CITY OF MONROE,
June 7, 1991.

HON. JOHN D. DINGELL,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN DINGELL: On or about May 13, 1991, the City Council of Monroe, Michigan adopted the attached resolution provided by the Monroe County Historical Society. As Mayor of the City of Monroe, I am forwarding this resolution to you so that you may act upon legislation affecting the Custer Battlefield National Monument in the State of Montana.

Monroe is Custer's hometown. We have signs posted on all major entrances to the City which denote this fact. The Custer name is known world wide and any student of Custer history knows about Monroe, Michigan. The name should be preserved on the Montana Battlefield where so many Monroe men gave their lives on June 25, 1876.

Respectfully yours,
SAMUEL J. MIGNANO, JR.
Mayor, City of Monroe.

RESOLUTION OF THE MONROE COUNTY CITY COUNCIL

Whereas the name of George Armstrong Custer has assumed legendary proportions; and

Whereas the City and County of Monroe, Michigan, claim Custer as their own; and

Whereas national recognition was bestowed on the site of "Custer's Last Stand" in 1881 by naming it after him; and

Whereas a granite memorial weighing 18 tons took nearly three years to erect on the Battlefield; and

Whereas the names of those soldiers from Monroe who perished on June 25, 1876 are inscribed thereon along with those of the Custer boys, George, Boston and Tom

Therefore be it solemnly resolved, that forever after this site in the state of Montana should be known as the Custer Battlefield National Monument; and

Be if further resolved, that the Monroe County Historical Society petitions the City of Monroe, the County of Monroe, the Michigan Historical Society and such legislators as may be empowered to act on H.R. 770, H.R. 847 and H.R. 848 to offer resolutions opposing any legislation that would alter the conventions and decrees of 1881. Let the memory of "Custer's Last Stand" live on.

RESOLUTION

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Be if further resolved, that the Monroe County Board of Commissioners petitions the Michigan Historical Society and such legislators as may be empowered to act on H.R. 770, H.R. 847 and H.R. 848 to offer resolutions opposing any legislation that would alter the conventions and decrees of 1881. Let the memory of "Custer's Last Stand" live on.

RESOLUTION OF THE MONROE COUNTY HISTORICAL SOCIETY

Whereas the name of George Armstrong Custer has assumed legendary proportions, and

Whereas the City and County of Monroe, Michigan, claim Custer as their own, and

Whereas national recognition was bestowed on the site of "Custer's Last Stand" in 1881 by naming it after him, and

Whereas a granite memorial weighing 18 tons took nearly three years to erect on the Battlefield, and

Whereas the names of those soldiers from Monroe who perished on June 25, 1876 are inscribed thereon along with those of the Custer boys, George, Boston and Tom,

Therefore be it solemnly resolved that forever after this site in the state of Montana should be known as the Custer Battlefield National Monument, and

Be if further resolved, that the Monroe County Historical Society petitions the City of Monroe, the County of Monroe, the Michigan Historical Society and such legislators as may be empowered to act on H.R. 770, H.R. 847 and H.R. 848 to offer resolutions opposing any legislation that would alter the conventions and decrees of 1881. Let the memory of "Custer's Last Stand" live on.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the legislation. After all these years it is appropriate that we honor the memory of both sides and not just one side who fought in the Battle of the Little Bighorn. I urge my colleagues to support the legislation.

Mr. VENTO. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise in strong support of H.R. 848, legislation to redesignate the Custer Battefield National Monument as the Little Bighorn Battlefield National Monument and to direct the design and construction of a memorial to honor and recognize the American Indians who fought there. The cemetery which is currently located at the monument would be designated as the Custer National Cemetery.

Today's bill is supported by a majority of the Montana congressional delegation, the Governors of both Wyoming and Montana, the Montana State Legislature, the Little Big Horn County Commissioners and many other Indian and non-Indian organizations. The Bush administration has taken a position in favor of this bill.

It is important to note that symbolism can be important and that a monument acknowledging the American Indians who fought during the Battle of the Little Bighorn is needed. This monument will reflect the fact that America is not afraid to acknowledge an unpleasant part of its history and the complex events that went into the western expansion of the dominant American culture. It is fitting and appropriate that we memorialize the bravey of all parties to this important event in American history.

General Custer's legacy will live on with the designation of the Custer National Cemetery, and the entire bill will at last allow this event in western history to be considered in its full context and complexity by all generations of Americans forever after.

I want to thank Chairman VENTO and especially my colleague, the gentleman from California, Mr. BEN NIGHTHORSE CAMPBELL, who has worked hard on this legislation and has become an outstanding leader for native American issues.

Mr. VENTO. Mr. Speaker, I yield 4 minutes to the gentleman from Montana [Mr. WILLIAMS], a member of the committee and a sponsor of this legislation, who has worked long and hard on his native Montana's monument to this event, the Little Bighorn Battle.

Mr. WILLIAMS. Mr. Speaker, in 1866, a military district for Montana was created with Fort Shaw as regimental headquarters. Gen. Philip Sheridan was commander of the Division of the Missouri. General Sherman was General of the Army, and General Sherman believed that the principal problem for the U.S. Army lay on the high plains in the West. He believed that the Indians were a great danger. His intelligence told him they were mobile, well armed and, as I say, very dangerous. And General Sheridan believed that conflict and perhaps war was inevitable. Indeed, there were numerous encounters.

It is no wonder. By 1899 there were a dozen forts in Montana alone. In 1874, Gen. George Armstrong Custer entered the Black Hills. He found that about 11,000 Indians were on reservations then and 3,000 Indians were not on their reservations, as ordered, and it was believed that they were resentful and intransigent.

In February of 1876, the matter was removed from the Department of the Interior, and this problem with the American Indians, the native Americans, was given to the Department of War. Custer and Terry, Gibbon, and Reno and Benteen, brave men all, moved with vengeance into Montana. Custer was dispatched up the Rosebud with orders to stay well back from the Indians so that an attack could be made by the entire force.

It was reported that on that morning of June 25, the regiment was excited. Colors were flying. The horses danced and the troopers laughed. Tomorrow, June 25, is the 115th anniversary of the Battle of the Little Bighorn, Custer's last stand. This year marks 112 years since this country established a memorial to honor the 7th Cavalry soldiers and scouts who fought and died that morning. Each 7th Cavalry person who died on June 25, 1876, is listed by name at the national monument. There are no names for the Indians who fought and died there simply defending their homeland and village.

Of the Cheyenne, we know that the dead included Black Cloud, Left Hand, Black Bear, and the Cheyenne chief, Chief Lame White Man.

We know that Sioux warriors fell—White Buffalo, Swift Bear, Long Road, The Oglalas, too, gave up some of their men, White Eagle and Black White Man among them.

This legislation reaches back 115 years and builds a bridge between the races, builds a bridge and properly recognizes both the vanquished and the victors. It is time now, almost exactly 115 years later, for this Nation to recognize all of its people, all of its heroes and all of those who won at this battle as well as those recognized at this battle who lost.

□ 1440

Mr. VENTO. Mr. Speaker, to conclude the debate on our side, I yield such time as he may consume to our colleague and friend, the gentleman from Colorado [Mr. CAMPBELL], one of those whose ancestors did fight in this event with the other native Americans.

Mr. CAMPBELL of Colorado. Mr. Speaker, I have already spoken once on this and submitted my testimony, but I was somewhat surprised at the testimony of my friend, the chairman, the gentleman from Michigan [Mr. DINGELL]. I am sorry he has left the room, because I was jotting down a few notes that I wanted to bring up in closing, some things that really kind of stuck with me.

He mentioned that there was no strong or compelling reason for changing the name. I submit that 2 million Americans who have lived in, you might say, the shadow of American history are strong and compelling reasons, and those are 2 million American Indians.

He mentioned that the soldiers of the time were only carrying out their orders. How many times have we heard that? How many times in the war crimes of World War II, for instance, did we hear, "Well, they were only carrying out their orders," as if somehow that made it all right to do anything, to attack women, children, peaceful camps, made it OK, because they were only doing what they were ordered?

I submit there is a much higher calling than that, and it is a moral calling. There are times when we cannot hide behind that, "They were only carrying out their orders" rhetoric.

It was not right. As my friend, the gentleman from Montana [Mr. WILLIAMS] mentioned, there were a lot of deaths. It was not just the soldiers. Seven Cheyenne, over 160 Sioux, and the fact is that they carried their dead off. They were not left there, and so nothing has been written much about them.

I understand the Custer family's concern. You might say they have a vested interest. They do not want the name changed. I recognize it is important to their family. But it seems to me I have a family, too, and that is the 2 million American Indians I spoke about.

I would like to point out one last thing, and that is that American Indians have fought in every war since the Civil War. In fact, in Iraq, we had 12,750 American Indians in that battle. Two of the first six who died in Iraq were American Indians, and one had a very poetic name. He was a Sioux youngster by the name of Came from the Stars. Some of us think perhaps that those who died, regardless of whether they were Indian or not, in Iraq have been returned to the stars.

Some have told us that this is only symbolic, a monument and a name change. It is only symbolic. But I submit that if symbolism is not important, what does that flag mean that is behind the Speaker's podium? And what does that Statue of Liberty mean that we are all so proud of? Symbolism is important, and tomorrow I hope that we will be able to tell all Americans that we are 115 years late this June 25, but we have recognized the importance of building that monument and changing that name.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in support of this bill to develop a monument to recognize all of the persons who fought in the Little Big Horn.

Now, although it is in Montana, it is very close to Wyoming, and it is very much a part of our background, very much a part of our culture in Wyoming.

I agree with the notion that this monument ought to express concern not only for Custer but also for the native Americans who fought and died there.

Mr. Speaker, I urge support for this bill.

Mr. VENTO. Mr. Speaker, I think I have used up my time. But I just want the Members to support this bill. It is taking a little bit of the glory and putting a little realism in what is going on. It is consistent with the Park Service and the military policy and other guidelines we follow. So we need not get into this type of argument.

I urge my colleagues to support this measure. It is an important measure to all Americans.

Mr. MARLENEE. Mr. Speaker I am here today to voice both my support, and my displeasure to H.R. 848 a bill to authorize the establishment of a memorial to honor the Indians who fought in the Battle of the Little Bighorn and to rename the battlefield.

I have no cause with erecting a monument, we are long past the time for constructing a memorial, which will be a long step forward in healing the wounds which have lingered for over a century since the battle which was the closing act in the 400-year contest between the native American peoples and European settlers over this country's lands, and how they were to be divided and utilized.

Although the battle fought 115 years ago tomorrow on the Little Big Horn River was a decisive victory for the Sioux, Cheyenne and other warrors who fought the 7th Calvary, it was truly an instance in which you could apply

the old axom about winning a battle but losing a war. Fighting continued for some years after this date, but there were to be no more encounters of this magnitude and consequence between the Army and native American tribes. Because of this, it is particularly fitting that the battlefield should contain a memorial to the Indian warriors who fought and died to protect their lands and families. In a larger sense, such a memorial will symbolize the sacrifices made by nature Americans in defense of their lands and values over the long years of the settling of America. This memorial will bring recognition to the courageous Indian warriors who fought and died at the Battle of the Little Big Horn.

I am displeased that we are moving ahead to change the name of the battlefield at this time. I preferred to have the Secretary of Interior and a study commission hold more extensive hearings on just what, if any, a name change should be.

During subcommittee hearings in Billings, MT earlier this month, I proposed that if the members of the committee were insistent on changing the name that they should at least consider retaining the Custer name on the cemetery, and I note that the other members have written this into their substitute amendment. Again I state that I would have preferred section 5 of H.R. 770 as my solution to the name change, and that I remain displeased with any name change at this time, while at the same time I am in favor of the monument at this time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYES of Illinois). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 848, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The title of the bill was amended so as to read: "An Act entitled "Little Bighorn Battlefield National Monument.".

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
June 21, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 12:35 p.m. on Friday June 21, 1991 and said to contain a message from the President, whereby he transmits the first six month follow-up report concerning chemical and biological weapons proliferation to the Congress.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

EXPORT CONTROLS ON COMPONENTS OF CHEMICAL WEAPONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-104)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

(For message, see proceedings of the Senate of Friday, June 21, 1991, page S 8456.)

WAIVING CERTAIN POINTS OF ORDER DURING CONSIDERATION OF H.R. 2686, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 179 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 179

Resolved, That all points of order against consideration of the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, for failure to comply with the provisions of clause 2(l)(6) of rule XI and clause 7 of rule XXI are hereby waived. During consideration of the bill, all points of order against the provisions in the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived except against the following provisions: beginning with "*Provided*" on page 10, line 10 through page 12, line 11; beginning with "*Provided*" on page 24, line 9 through line 11; beginning with "*Provided*" on page 25, line 10 through line 15; beginning with "*Provided*" on page 27, line 6 through line 20; beginning with "*Pro-*" on page 28, line 9 through "95-87:" on page 30, line 1; beginning on page 60, lines 15 through 22; beginning on page 62, lines 11 through 13; beginning on page 94, lines 10 through 17; and beginning on page 95, lines 11 through 25. In any case where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provision in such paragraph may be made only against such provision and not against the entire paragraph. It shall be in order to consider the amendments printed in the report of the Committee on Rules accompanying this resolution and all points of order against the amendments in the report for failure to comply with the provisions of clause 2 of rule XXI are hereby waived. All points of order against amendment number 3 for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. Debate on amendment number 3 and all amendments thereto shall not exceed one hour.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of the resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, I yield the customary 30 minutes for the purposes of debate only to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume.

(Mr. GORDON asked and was given permission to revise and extend his remarks.)

□ 1450

Mr. GORDON. Mr. Speaker, House Resolution 179 provides for the consideration of H.R. 2686, the fiscal year 1992 Interior and related agencies appropriation bill.

House Resolution 179 waives against consideration of the entire bill clause 2 (l)(6) of rule XI, requiring a 3-day layover, and clause 7 of rule XXI, requiring relevant printed hearings and reports to be available for 3 days prior to consideration of a general appropriation bill.

The rule also waives clause 2 of rule XXI against all provisions of the bill with the exception of specific provisions.

Where the rule protects only a portion of the paragraph, points of order may be made only against unprotected provisions of the paragraph, and not against the entire paragraph.

Mr. Speaker, House Resolution 179 makes in order three amendments: two offered by Mr. ROE and one by Mr. SYNAR. Each amendment is printed in the report which accompanies this rule. The rule waives all points of order against all three amendments for failure to comply with provisions of clause 2 of rule XXI. The rule further waives clause 7 of rule XVI against the Synar amendment.

Chairman ROE'S first amendment will limit expenditures for the acquisition of land at the Smithsonian Institution's environmental research center until an authorization is in effect. Mr. ROE'S second amendment would limit expenditures for the construction of the National Museum of Natural History's east court building project until authorization language is in place.

Mr. SYNAR'S amendment is similar to an amendment he offered last year to the fiscal year 1991 Interior appropriations bill which passed the House by a vote of 251 to 155. Representative SYNAR'S amendment would establish a grazing fee structure for western ranchers who graze cattle on Department of the Interior, Bureau of Land Management and U.S. Forest Service land. Debate on the Synar amendment, and all amendments thereto, is limited to 1 hour.

Mr. Speaker, H.R. 2686 is the product of hard work and careful consideration. Subcommittee Chairman YATES and the ranking Republican RALPH REGULA should be commended for crafting a bill which addresses the policy issues and funding needs of a wide and varied constituency.

Mr. Speaker, I urge my colleagues to adopt this rule.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am beginning to sound like a broken record, but I am very troubled by this rule. In my view, it makes a mockery of clause 2 of rule XXI which prohibits authorizing in an appropriations bill. My concerns are directed at the way this rule treats section 313 of H.R. 2686 regarding fees for grazing rights on Federal lands and an alternative amendment on the same issue.

Mr. Speaker, I do not need to get into a discussion of the relative merits of these two grazing fee proposals at this point in time. Many of my colleagues will certainly do that when the debate on this bill is considered. My comments are directed to the way this rule sets up a double standard and undermines the committee process.

The rule before Members does not waive clause 2, rule XXI with respect to section 313, thus allowing a point of order to be raised against that section. I believe that we should generally avoid granting such waivers and denying a waiver to section 313 makes particular sense.

It is my understanding that the chairman of the Committee on Interior and Insular Affairs, the gentleman from California [Mr. MILLER], has agreed to take up the issue in the authorizing committee where it should be considered. Consequently, the chairman of the Subcommittee on Interior, the gentleman from Illinois [Mr. YATES], did not request a waiver for section 313. Had this been the end product, I would not hesitate to support the rule so that we could move on with consideration of H.R. 2686.

Unfortunately, the Committee on Rules muddled the process by waiving points of order against an alternative grazing fee formula contained in an amendment that will be offered by the gentleman from Oklahoma [Mr. SYNAR].

On the one hand, Mr. Speaker, by doing this, the Committee on Rules is saying, "We don't like section 313, so it cannot be debated or voted on until it goes through the formal committee process," which is appropriate. On the other hand, the Committee on Rules is saying, "We like the Synar amendment, so we will circumvent the committee process and give it special treatment on the House floor." Somehow the Committee on Rules came to the determination that it is the proper forum for addressing the grazing fee issue, even though the initial legislation was not referred to our committee, nor did our committee ever hold any hearings on the issue.

I did not disagree that the grazing fee formula needs to be restructured. However, I believe it should be done in the context of the normal committee process.

Mr. Speaker, this is an unorthodox rule and one which I believe will have negative future consequences for the legislative process. I hope this will be the last time that we consider such an ill-conceived rule here.

STATEMENT OF ADMINISTRATION POLICY

This Statement of Administration Policy expresses the Administration's views on the Department of the Interior and Related Agencies Appropriations Bill, FY 1992, as reported by the Committee.

Although the Committee restored $213 million in funding for firefighting costs eliminated by the Subcommittee, the Administration strongly objects to the approach taken in the amendment. The bill, as amended, would preclude use of the funds unless the President declares an emergency, thus exempting all expenditures from applicable funding caps. Because these costs can be reasonably anticipated and funded in advance, the Office of Management and Budget would not recommend to the President that he designate appropriations for his purpose as "emergency." Extensive experience with firefighting costs exists, and the President's request reflects the average of annual firefighting costs over the past decade. The scorekeeping gimmick adopted by the Committee is designed to evade the spending caps contained in the budget agreement and is therefore a violation of the Budget Enforcement Act (BEA).

Furthermore, the Committee amendment would require the depletion of the entire $213 million before the use of existing authorities to transfer funds from accounts to meet firefighting costs, should they exceed estimated levels. This provision would prevent the Departments of the Interior and Agriculture from borrowing from other accounts for firefighting activities. The effect of these two provisions is to provide no funding for firefighting activities in FY 1992. This is not responsible in light of the fact that such funds will clearly be needed.

The Committee amendment violates the spirit and intent of the budget agreement with a directed scorekeeping provision. Firefighting appropriations were expliciting included within discretionary limits of the BEA. The proposal to fund firefighting costs as "emergency" is a change in the concepts used to construct the BEA. The Administration strongly objects to this violation of the budget agreement.

The Administration urges the House to fund firefighting operations at the level of anticipated firefighting needs and to do so within the domestic discretionary spending limits established by the BEA.

The Administration strongly objects to the transfer of $123 million of the proceeds from the test sale of Strategic Petroleum Reserve (SPR) oil in the SPR Petroleum account to the Strategic Petroleum Reserve account. The Administration believes that the SPR facilities account should be fully funded at the level requested in the President's Budget and that the test sale receipts should be used for the acquisition of oil. The receipts from the sale are scored as a mandatory and should not be used to offset discretionary spending under the cap.

The Administration strongly opposes any restrictions on Federal funding for the mandatory Sport Fish Restoration Program, otherwise known as the Wallop-Breaux Program. This program is entirely self-financing—those who benefit from it are assessed excise taxes and import duties. The Committee bill would cap all spending for restoring and developing fish habitats at $190 million, which is well below the $208 million in anticipated receipts. The President has stated previously that all these funds should be used for the purpose intended.

The Administration strongly objects to inadequate funding for the President's America the Beautiful (PAB) initiative for Interior and Agriculture. The House Committee mark is about $150 million below the needed amounts. At a time when visits to our national parks and forests are reaching record levels and placing them under increasing stress, the Administration strongly opposes cuts in funds designed to protect these valuable resources in order to fund low-priority earmarked projects.

The Committee has reduced funding for nationally significant resource protection programs. These include Stewardship incentives (−$55 million), American Battlefield Protection (−$13 million), Targeted Parks (−$5 million), and Coastal America (−$5 million). These reductions in the Committee bill would significantly impair the agencies' ability to protect and restore key natural and historic resources and to meet the President's goal of planting one billion trees per year.

These inappropriate reductions and transfers were made at the same time the Appropriations Committee added millions of dollars for construction of new facilities such as the Palau water and sewer systems, a no-bid contract to a local Washington, DC arts agency, and repair of non-Federal buildings such as the Chicago Public Library. In addition, the Committee added hundreds of millions of dollars for low-priority or unneeded energy research.

Attached is a table that summarizes changes approved by the Committee to the Administration's funding requests for our national parks, forests, and other public lands.

Attachment.

FY 1992 Interior Appropriations Bill: House Appropriations Committee Changes to the President's Request

[In millions of dollars]

Reductions:	
America the Beautiful natural/historical resource programs	(−150)
Stewardship initiative	−55
American battlefield protection	−13
Targeted parks	−5
Coastal America (zero-funded)	−5
Other Interior and Forest Service recreation and wildlife initiatives	−70
Forest firefighting	−213
Funding Cap on Wallop-Breaux sport-fish restoration	−18
White House visitor center rehab	−4
North American wetlands conservation (zero-funded)	−15
OCS Environmental studies and management system	−20
Full Funding of Fish and Wildlife payments in lieu-of-taxes	−3
Total	−423
Increases:	
Interior Department construction (much for unneeded new buildings and other facilities) (est.)	+230

Palau water and sewer system ..	(+8)
Chicago Public Library restoration: non-Federal	(+2)
New "Gateway Park" (IL)	(+4)
America's Industrial Heritage (PA)	(+13)
Non-competitive grants for local Washington, DC art and cultural organization	+7
Grants for non-Federal responsibilities and/or build-up of unused Federal Funds	+32
State/rural abandoned nine grants	(+22)
Energy Department low-priority R&D activities	+200
Total	+469

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, I rise today in support of the rule for consideration of H.R. 2686, the Interior appropriations measure for fiscal year 1992. This is a fair rule, a good rule, and I urge all my colleague to support it.

I am particularly moved to speak in favor of this rule, because it makes it order an amendment to increase Federal grazing fees and ensure multiple use of our 250 million acres of public rangeland. Passage of the Synar-Darden-Atkins fair market grazing fees and multiple-use amendment will be good for both the taxpayers and the environment.

This year, public land grazing permit holders—who represent only 2 percent of all cattle ranchers—will pay a fee of only $1.97 per animal unit month [AUM]. This is far below the private lease rates in those same States, which average $9.22 per AUM, and contrasts with fees ranging as high as $20 per AUM on certain other Federal and State lands. Ironically, the Bureau of Land Management currently charges a fee of $8.70 per AUM as the "value of forage consumed as a result of nonwillful unauthorized grazing use," in other words, for trespass on public land.

I think it is time for a change. Over the past 6 fiscal years, the taxpayers have lost more than $650 million, because grazing fees were lower than fair market value. As much as $150 million may be lost during fiscal year 1991 alone, because the administration will not charge fair market value for the privilege of grazing cattle on 307 million acres of Federal lands in Western States.

Each year the Federal Government loses billions of dollars selling, leasing, renting, and exchanging taxpayer assets. That's right, the Federal deficit is growing in part because the Federal Government refuses to operate as a prudent seller.

Every year during the budget debate, there is a never ending search for the fiscal equivalent of the Holy Grail—the funds to reduce the deficit.

As chairman of the Government Operations Subcommittee on Environment, Energy, and Natural Resources, I have been faced with more and more of these practices and have many fire sales under investigation. But, there are others. In fact, the General Accounting Office, the Congressional Budget Office, the Office of Management and Budget, the inspectors general, and numerous private reports have detailed monumental sums of lost Federal reserves attributed to fire sale pricing for disposal of Federal assets.

Lost revenues from these programs means fewer dollars to restore the capital costs of the grazing program, to provide recreation opportunities for all Americans, or to reduce the Federal deficit.

While there may be justifiable and sound reasons for certain Federal subsidies, such is not the case with the current grazing fee structure. Many of these decisions have not been reviewed for years. The Synar-Darden-Atkins amendment will enable the Congress to determine if such continued subsidies for public rangeland grazing are in the public interest.

This is the fourth time I have asked the Rules Committee for assistance in correcting this crisis in public lands management. Until 1990, I was asked to await action by the House Committee on Interior and Insular Affairs. But the Interior Committee failed to do so.

Unfortunately, the House Interior and Insular Affairs Committee has not yet acted. On May 22, 1991, the Interior Committee reported H.R. 1096, the Bureau of Land Management Reauthorization Act, which ignored the clear evidence supporting a change of the grazing fee formula. Those of us who support a grazing fee increase believe the House must have an opportunity to work its will and improve management of public rangelands.

The Interior Committee's inaction is even more troubling in light of full House action in the 101st Congress. As you know, on October 11, 1990, the Rules Committee reported House Resolution 505 (Rept. 101–853), which waived points of order pursuant to clause 2 of rule XXI, making in order our grazing fee amendment to H.R. 5769, Interior and related agencies appropriation, 1991. Subsequently, the House passed House Resolution 505 on October 12, 1990, by a vote of 245 to 160.

Then on October 15, 1990, the House approved the Synar-Darden-Atkins amendment to the fiscal year 1991 Interior appropriations measure, H.R. 5769, by an overwhelming vote of 251 to 155. Although that provision was dropped by the House-Senate conference committee, adoption by the House of a grazing amendment was an enormously important first step toward improving management of 250 million acres of Federal rangelands administered by the Department of Interior's Bureau of Land Management and the Department of Agriculture's U.S. Forest Service.

My argument to the Rules Committee this year—like my argument to you—is simple: Let the Members of Congress decide on the merits.

After 5 years inaction—I think it is time for a change. Fortunately, the Rules Committee has agreed and have made this amendment in order.

Here is what is at stake: Over the past 6 fiscal years, the taxpayers have lost more than $650 million, because grazing fees on their public rangelands were lower than fair market value. These losses occurred as a direct consequence of a 1986 Executive order by President Reagan fixing Federal grazing fees far below the Government's direct cost of operating Federal range management and range improvements programs.

As much as $150 million may be lost during fiscal year 1992 alone, unless we pass the Synar-Darden-Atkins grazing fees amendment.

Mr. Speaker, we must move as quickly as possible to end the abuse of our public lands and to save the taxpayer from unfairly subsidizing livestock production on public lands. Adopting this rule is the first step.

Unless grazing fees are increased, the Government will continue to encourage overgrazing of our public lands, the costs of the grazing program will continue to exceed receipts, and the taxpayer will continue to subsidize livestock that represents only 3 percent of total U.S. meat production.

Vote for this rule and vote for the Synar-Darden-Atkins grazing fees amendment. They are votes which are good for both the taxpayers and the environment.

Mr. DREIER of California. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. REGULA], the hard-working ranking member of the Subcommittee on Interior.

Mr. REGULA. Mr. Speaker, I am going to oppose this rule because it is unfair. It is an interesting circumstance. The Subcommittee on Interior came to the Committee on Rules and said, "Let the authorizing committee address this problem on grazing fees," which is the correct way to approach this responsibility. The Committee on Rules decides that this is the right policy, because the bill that came out of our appropriations subcommittee and full committee did have a responsible increase in the grazing fee which should be an authorizing jurisdiction.

We all recognize, or at least most Members recognize, that there should be some adjustments, but we deferred to the Committee on Rules and to the authorizing committee and said, in effect, "OK, responsibility does rest with

the authorizing committee, and at their request we will not protect our language."

□ 1500

Strangely then, suddenly we get another proposal on grazing fees and the Rules Committee then decides to play the role of the authorizing committee.

You might have noted, the statement was made that the Rules Committee decided that this was a good thing that we increase the grazing fees, so what you have in effect is the Rules Committee substituting its jurisdiction for that of the authorizing committee.

Now, I cannot understand the inconsistency of saying on the part of the Rules Committee and the authorizing committee that we cannot protect the language in the bill that came out of the Interior Appropriations Committee where we have direct responsibility, but there can be an amendment protected that did not come from any committee of the Congress. It was just offered as an amendment on grazing fees without any hearings.

So I think this rule is very unfair and should be rejected because we should treat all these amendments or proposals involving grazing fees on an equal basis, rather than to have the Rules Committee exercise its judgment in place of the proper committee, namely the authorizing committee.

I am surprised that that authorizing committee did not request that the Synar amendment also not be protected, since that was the request on the language that was in the original appropriations bill.

For that reason, Mr. Speaker, I think the rule should be rejected.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Speaker, I want to thank my good friend, the gentleman from Tennessee, for yielding this time to me to speak a few minutes in support of this rule.

This is a good bill we will be considering, Mr. Speaker. I think the Appropriations Committee deserves our support here for this legislation. It is a fine piece of legislation and I would be for the bill even if it did not make the amendment of the gentleman from Oklahoma [Mr. SYNAR], in order; however, because the amendment of the gentleman from Oklahoma [Mr. SYNAR], is made in order, I think the legislation becomes even more effective and more relevant to the needs of our society today.

Mr. Speaker, I think it is essential that we adopt this rule as passed by the Rules Committee due to the fact that for many, many years, Western cowmen have been able to raise their cattle practically free on public lands at virtually no cost at all. To quote the National Taxpayers Union, Mr. Speaker, in a letter dated June 24, 1991:

Taxpayers have had about all they can stomach of government waste, yet special interest legislation continues to chew up billions of taxpayer dollars. These interests have powerful providers in Congress who make sure that programs back home are well fed.

For those Western ranchers with access to public lands, the grass looks a lot greener on the Government side of the fence, and with good reason. Every year hundreds of millions of federally owned and managed acres are made available for grazing by privately owned livestock at a fraction of the cost to the Government.

America's taxpayers, according to the National Taxpayers Union, Mr. Speaker, have lost $650 million over the last 6 years because Federal grazing fees are far below the fair market price. Unless this inadequate grazing fee formula is changed, the taxpayers could lose another $150 million next year and probably a similar or even greater amount in subsequent years.

Mr. Speaker, we have just been provided with the results of a GAO briefing report to the chairman, the gentleman from Oklahoma [Mr. SYNAR], of the Environment, Energy, and National Resources Subcommittee of the Committee on Government Operations of the House of Representatives. We have been shocked to learn that the grazing fee is 15 percent lower now than it was 10 years ago. This contrasts with a 17-percent increase in private grazing fees over the same period.

We have heard the sanctimonious talk, Mr. Speaker, about the committee process and what goes on in the authorizing committees. The only safe thing here in the House of Representatives is that the majority rules and that the will of the majority be worked, and the majority of the House of Representatives last year by almost a majority of 100 votes, Mr. Speaker, said that it is time to end the grazing subsidy, and it is time, Mr. Speaker, to put an end to the free ride.

Mr. DREIER of California. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished ranking member of the Rules Committee, from Glens Falls, NY.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for his distinguished introduction.

Mr. Speaker, I guess I am one of the most recognized fiscal conservatives in this House, according to the National Taxpayers Union, but I cannot support this kind of a rule. Even though I support the gentleman from Georgia [Mr. DARDEN] in his position and have voted for his position, we must be fair to every single Member of this House at all times, not just on Mondays and Tuesdays, but every day of the week, every day of the year.

I agree fully with my colleague, the gentleman from California [Mr. DREIER] about the unusual nature of this rule. On the one hand, the rule provides for eliminating the Appropriations Committee's grazing fee increase on a point of order, yet on the other hand the rule turns around and protects a larger grazing fee increase amendment against the same point of order. What kind of sense does that make, Mr. Speaker?

You might call this a high diddle-diddle rule, since the cow has somehow jumped over the Moon and this rule makes about as much sense as that little nursery rhyme.

I appreciate that a similar rule protected a similar Synar grazing amendment last year, though it did not simultaneously eliminate an Appropriations Committee alternative. But I would remind my colleagues that last year's rule was also contentious. Only 14 Members on this side of the aisle supported it last year, and I hope not even that many do this year.

While it is true that Chairman WHITTEN specifically requested that the grazing fee language not be protected against a point of order, it apparently was not at the request of the chairman of the Interior Committee. His letter of June 20 to the Rules Committee only mentioned certain provisions relating to mining and national parks, which he felt should not be protected.

We were nevertheless informed that the Interior Committee chairman did not object to protecting the Synar amendment, but I do not think that necessarily reflected a consensus of the rest of the Interior Committee. I would ask members of that committee to stand up here and enlighten us on that.

It is little wonder then that this rule is more than a bit confusing and contradictory. I, frankly, find it extremely baffling.

Even though the Appropriations Committee supports eliminating its own grazing fee language, it is still counting on those receipts to keep this bill within the subcommittee's section 602(b) allocation under the budget agreement; and we all should be trying to stick to that budget agreement.

To top that off, the committee has restored some $213 million in firefighting funds that would put it over its discretionary cap, but it has avoided actually exceeding that ceiling by making the expenditure of these funds subject to the President's declaration of an emergency. What kind of legislation is that?

The administration strongly objects to this little budgetary loophole game that is being played on us, and says the money should be scored as part of the domestic discretionary spending pot, as well it should.

The SPEAKER pro tempore (Mr. HAYES of Illinois). The time of the gentleman from New York has expired.

Mr. DREIER of California. Mr. Speaker, I yield the gentleman from Glens Falls an additional 2 minutes,

and I hope that he will be able to yield to the gentleman from Ohio in just a moment.

Mr. SOLOMON. In summary, Mr. Speaker, this little rule and the bill it makes in order are full of more games than are played at a Sunday school picnic, only they are not as innocent or as much fun. I, for one, cannot associate myself with this rule which is a masterpiece of creative gamesmanship.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Mr. Speaker, I yield to a gentleman whom I respect as much as anyone in this House, the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I thank the gentleman for his kind words.

With respect to the point made by the gentleman on firefighting, in the past the OMB and the CBO both agreed that the firefighting appropriation should not be among the discretionary funds but should be mandatory, because it was money that had to be paid. This year both the OMB and the CBO decided that they were going to change their minds and make it discretionary. We were able to persuade the CBO that it really ought not to be totally discretionary, and the idea was to give the President the right to determine whether the firefighting was an actual emergency and the funds would then be made available. So that is the background.

I think firefighting funding should be mandatory, because the fires happen every year and it should be in the nature of a permanent appropriation.

Mr. SOLOMON. Well, Mr. Speaker, I certainly agree with the chairman. He makes a lot of sense.

My point is that if we do not make this a part of the discretionary pot, because we know these fires happen every year and probably this amount of money is not even enough as it is, we just are going to end up coming back with a supplemental budget request. And here we are going to increase the deficits further, and that is what we have got to get a handle on. I certainly do agree with the chairman. It makes a lot of sense.

□ 1510

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Speaker, I ask the gentleman from New York, is there any reason you could not have protected the language of the committee, as well as the Synar amendment, in the rule?

Mr. SOLOMON. There is no reason at all.

Mr. REGULA. Then the majority would have had a choice.

Mr. SOLOMON. The House would have been able to work its will. That is the point I was making about gagging certain Members, it does not matter which side of the aisle they are on.

Mr. DREIER of California. Mr. Speaker, may I inquire how much time remains on both sides?

The SPEAKER pro tempore (Mr. HAYES of Illinois). The gentleman from California [Mr. DREIER] has 19 minutes remaining, and the gentleman from Tennessee [Mr. GORDON] has 21 minutes remaining.

Mr. GORDON. Mr. Speaker, my friend from New York [Mr. SOLOMON] made a plea for fairness in this rule. It seems that the ultimate fairness is to allow a majority of this House to work its will.

Last year a similar rule allowed the Synar amendment to be in order. It passed 251 to 155. That amendment was later taken out in conference. It seems that in fairness, this body should allow itself the opportunity to once again pass that amendment.

Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding.

Mr. Speaker, I think there is very little, or no, confusion why this rule—no confusion about this rule. You cannot argue it both ways.

When the attempt in the Interior authorizing committee, which I chair, was made to bring up the Darden amendment, we were put on notice by the Republican members of that committee that they would obstruct every effort to bring that to a vote in the committee. They did not want the bill to come up if the Darden amendment was going to be proposed, which is similar to the Synar amendment, to deal with grazing fees.

We were unable to deal with that bill in a comprehensive fashion because of those objections and the intent to obstruct the rest of the bills on the calendar of that bill if in fact grazing fees were going to be argued.

So they did not want to argue it in committee, now they argue here that you cannot argue it here because they did not argue it in committee.

You can pick your poison, but you cannot have it both ways.

We are not going to deny this House the ability to address this issue in this forum when we engage in those kinds of activities in the committee. It is very unusual for a chairperson of the authorizing committee to go along with the waiving of the rules with respect to legislation. But that is the choice that the minority made. That is the choice the minority made in the committee some many weeks ago.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I am delighted to yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

How many Members does the gentleman have on his side of the aisle?

Mr. MILLER of California. I have a majority.

Mr. YOUNG of Alaska. A big majority, yes.

Mr. MILLER of California. Yes.

Mr. YOUNG of Alaska. We all——

Mr. MILLER of California. Mr. Speaker, reclaiming my time, we understand the tactics that can be used to delay the agenda and the workings of the committee. The reason the rule is being waived on the mining law is because we believe we have an opportunity to work on that in a comprehensive fashion, and that should be done in that fashion on a bipartisan basis.

Mr. DREIER of California. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Mr. Speaker, with all due respect to my chairman, that is the biggest bunch of whatever the cow leaves behind on him on this public lands that I ever heard in my life. You have the majority of that committee, you have the majority of the committee. You use your proxies. If you wanted to vote that thing, we would have——

Mr. MILLER of California. The gentleman——

Mr. YOUNG of Alaska. I will not yield.

The SPEAKER pro tempore. The gentleman from Alaska controls the time.

Mr. YOUNG of Alaska. That is right, it is my time. You in fact did not want to have a vote on this because members on your side of the aisle did not want it. Do not lay the blame on our side, do not lay the blame on our side. You are circumventing that committee, of which I am the ranking member and you are the chairman, because you know good and well that if you had the hearing, you had the public input, the testimony would have been in favor of not raising those fees.

Mr. MILLER of California. Why did the gentleman not ask for a vote?

Mr. YOUNG of Alaska. The committee itself is being circumvented. So do not lay the blame on our side. Stand up like a man and say that your members did not want to vote it themselves. Your members did not want to vote on it. That is what it is all about. You did not want to vote on it. You are the chairman of that committee. Make your members vote on it.

Now we have a rule, a rule today that is absolutely wrong, Mr. Speaker. You know it, I know it, and besides that, read the Washington Post today.

You say you are frustrated because you are not in the majority because the President will veto the bill. I tell you, Mr. Speaker, this President will veto this bill if this Synar-Darden amendment is not eliminated.

I say to the gentleman from Georgia: You want to talk about the taxpayers.

Let us throw out the Georgia peanuts and the timber industry subsidies and all those farm subsidies that we get in Georgia. That is the next thing.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from California [Mr. MILLER], the chairman of the Committee on Interior and Insular Affairs.

Mr. MILLER of California. Mr. Speaker, I would like to respond to the gentleman: The gentleman may not like the results of the threats made in the authorizing committee, but those are the results. There is no question we have the votes. But there is no question——

Mr. YOUNG of Alaska. Then use your votes.

The SPEAKER pro tempore. The gentleman from California [Mr. MILLER] controls the time.

The gentleman from California will proceed.

Mr. MILLER of California. The choice was very simple, Mr. Speaker, either our committee could have its work for many, many weeks obstructed through the activities threatened by the gentleman's party with respect to the raising of the amendment in committee, or we could proceed. We chose to proceed, and if this amendment has to be addressed in this committee, it is very unfortunate that this is the only avenue that is available to us. But it is quite proper, it is within the rules; the rules have been waived. We will have a debate on this floor today on the Synar amendment. The Synar amendment will either win or lose. That is the nature of this body.

Mr. DREIER of California. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, in addition to this problem which has been debated so hotly so far, the fact of the matter is we are waiving points of order again. And as a result, in opposition to the rules of the House, we are going to be able to legislate on an appropriations bill. And what that means very simply is we are going to be able to put pork into this bill that otherwise could be taken out by simply raising the point of order up here.

I know of two amendments that I intend to propose that is going to cost the taxpayers over $5.5 million in pork that could be taken out strictly on a point of order, but you are waiving it. That is wrong. That is wrong. We should not be waiving points of order in these bills.

The gentleman from Ohio [Mr. TRAFICANT] raised a lot of points of order a couple of weeks ago, and everybody got upset about that because he took a lot of pork out and made a lot of people mad. But the fact of the matter is that is why we have that in the procedure. We should not be waiving points of order. It is wrong. There is an awful lot of waste going on in this Government, and this contributes to that waste.

We are going to face a $350 billion to $400 billion deficit this year, and you are contributing to it with this kind of a rule.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Speaker, I rise in support of the rule. This is a simple and fair rule.

I think the importance of the rule is indicated by the vehemence of the other side claiming that this rule allows us to hide pork in this budget. The answer is a question of when is pork beef? In this case, pork is beef when we are talking about the outrageous $650 million subsidy for some of the richest corporations in America.

Talk about pork, that is pork right on that cattle, and it is all fat. And this bill, this rule will allow us to turn that fat into something useful, to end the subsidy and to begin to protect our public lands.

The issue on this rule is very simple: It is an issue of whether the House is going to be able to work its will.

A small minority of people who have constituents who have benefited enormously from the $650 million subsidy will stop at nothing to prevent the issue from coming to the floor.

Last year the amendment, the Synar amendment, passed 251 to 155. I cannot see what objection anybody could possibly have to voting on the Synar amendment, to eliminating this outrageous subsidy for a handful of very wealthy individuals.

One of the cattlemen who is receiving this subsidy has a ranch that is bigger than my entire State of Massachusetts. At some point we need to say enough, enough to this kind of subsidy.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. ATKINS. I yield to the gentleman from Kansas.

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Speaker, I know the gentleman is concerned about, I guess, an alleged subsidy to fat cat livestock operators, but most of the stockmen, 80 percent who do graze livestock on public lands, these are operators of small, independent businesses, most of whom make $28,000 or less per year. To be economically viable, they must utilize public lands.

Mr. ATKINS. Reclaiming my time, I might suggest that Union Oil Co., Getty Oil, Texaco, Texaco, Inc., Zenchiku Co. of Japan, those are not small operators.

□ 1520

Mr. Speaker, Mr. Daniel H. Russell of Santa Barbara, CA: 5 million acres; that is not a small operator. These are some of the wealthiest people in corporations, not only in this country, but in the world, who are getting an outrageous subsidy.

Mr. DREIER of California. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I rise in strong opposition to the Synar amendment. The magnitude of the proposed fee increase is ludicrous, over 400 percent. Furthermore, as a member of both the Appropriations and Interior and Insular Affairs Committees, I take exception to the gentleman from Oklahoma's procedural tactics.

Last year Mr. SYNAR prevailed here on the floor with this same amendment. Fortunately, the Senate deleted the measure. The Interior Committee took to heart Mr. SYNAR's shot across the bow, and we have been working on this issue.

On March 12 of this year, the National Parks and Public Lands Subcommittee, of which I am a member, held a hearing on Mr. SYNAR's proposal, as well as other related legislation. Further, it is my understanding that the House Agriculture Committee plans to hold field hearings this year. So why this clear violation of authorizing committee jurisdiction? We on the authorizing committees are working on this issue. What is Mr. SYNAR's real agenda here? To end grazing on the public lands?

Both the Nevada cattlemen and the Nevada Farm Bureau have made numerous invitations to Mr. SYNAR to come to Nevada and see public-lands ranching first hand, only to be rebuffed. Why? What is the real agenda here?

Mr. Speaker, Secretary of Agriculture Madigan, and BLM Director Jamison, have both sent letters in opposition to the amendment. Yet, the gentleman from Oklahoma is closing his eyes to the opinions of those who work with the land, and is attempting to circumvent the authorizing committees. There is simply not enough time to fully explore the merits of the issue on the House floor. However, I will say this, the amendment is ridiculous on its face—no fee or tax has ever been increased by more than 400 percent in one fell swoop. Public-lands ranching deserves more than only 1 hour of debate. What about the fact-finding responsibility of the authorizing committees?

Is this legislative body ready to leave hanging the fate of an entire industry in one man's hands?

The gentleman from Oklahoma has been waving around and quoting from a brandnew—not even a week old—GAO report, which no one had seen until last Friday. Now, my question is this: If Mr. SNYAR's case is as strong as he makes it out to be while citing this GAO report, why will he not bring his

case to the authorizing committees? Why is he not letting the Interior and Agriculture Committees do their jobs? What is the real agenda here?

Mr. Speaker, I urge the defeat of the Synar amendment and this rule.

Mr. DREIER of California. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding, and I want to, Mr. Speaker, reemphasize the fact that this bill properly was sent by the Speaker to the authorizing committees of Agriculture and Interior, as has been stated here accurately. Both those committees of jurisdiction held hearings. The Committee on Interior and Insular Affairs did not act because there were not votes enough to get this bill out after the hearing, and this is this year, not last year. The Committee on Agriculture is going to hold hearings.

Mr. Speaker, the process is wrong here. The Committee on Appropriations viewed this issue and determined that there could be a point of order held against a Synar amendment because it was legislating on an appropriations bill, and correctly so. Now suddenly the Committee on Rules has decided that we should hear this bill on the floor, which absolutely violates, in my opinion, the rules of the House.

The premise is wrong in this bill because simply the grazing fee is not a subsidy, Mr. Speaker, and I will prove that in my debate later on. The BLM charges more money, Mr. Speaker, for grazing on public lands than is actually necessary to range cattle on the public lands, $1.66 versus $1.97. Second, it costs more to operate on public ranges than it does on private ranges, and I will explain that later.

So, the process is wrong here, the premise is wrong, and we ought not to support this rule, and we surely ought not to throw 31 families off the public ranges in the West because of the amendment of the gentleman from Oklahoma [Mr. SYNAR].

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2½ minutes to the gentleman from Colorado [Mr. CAMPBELL].

Mr. CAMPBELL of Colorado. Mr. Speaker, I rise today to protest what I consider to be an end run around the proper legislative process, and I tell my colleagues that it makes me and some of the others from the West a little bit sick that this thing gets boiled down to partisanship and bickering every year. I am on the left side of the aisle here, but I think I am on the right side of this issue, and the right side of this issue for me is to let the committee process do its work the way it was supposed to be. We are continually told, "Don't try to legislate on an appropriations bill," and yet we continually do it when we talk about raising the grazing permits.

I heard some talk by one of my colleagues a few minutes ago about the millionaire ranchers that are, if I can paraphrase it, ripping off taxpayers with their large holdings, but I want to tell my colleagues that for every one like that there are literally thousands of very small ranchers dependent upon the public lands to use those grazing permits, and it just seems to me that, if we are going to correct the problem, we ought to do it in some manner that we can weed the abusers out and not throw the whole system out and thereby throw a lot of very small ranchers and farmers off the public lands.

I would urge my colleagues not to support this rule and would say that we did have one hearing, and we have a couple of others scheduled in committee. I have a bill in with about 25 cosponsors. It seems to me that we should not just lock out those 25 people. Most of them are from the West, are Democrats and Republicans both. If we are really going to be a House of fairness, we have to bring it through the committee process and let those 25 cosponsors of that bill be heard and deal with it in its proper fashion.

Mr. Speaker, I also want to mention my friend and colleague, the gentleman from Oklahoma [Mr. SYNAR], did come to Colorado at my request to talk to some of the ranchers in my part of the State. Apparently we did not teach him very well, but I promise, if he will come back, we will teach him.

Mr. DREIER of California. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I rise in opposition to the rule, and I apologize for the voice quality, but it is the best I can do under the circumstances.

Mr. Speaker, there is an old song Willie Nelson sings, and that is:

> Momma, don't let your babies grow up to be Congressmen . . . because they'll try to cross a pig with a cow, and they come out with these grazing fees.

Mr. Speaker, we fought this issue time and time again, and I appreciate the gentleman from Oklahoma, and the gentleman from Massachusetts and the gentleman from Georgia for their dedication and their distortion. It is absolutely marvelous. I do want to say that, as a member of the Interior Appropriations Subcommittee, I testified before the Committee on Rules last week against making the Synar grazing-fee amendment in order, and the Committee on Rules did not protect from a point of order the section of the bill that increased grazing fees by one-third, and I appreciate my chairman playing that straight with me, as he did, very much.

□ 1530

But then the committee makes in order an amendment increasing the fees by over 400 percent. Mr. Speaker, where is the consistency in that?

The SPEAKER pro tempore. (Mr. HAYES of Illinois). The time of the gentleman from New Mexico [Mr. SKEEN] has expired.

Mr. DREIER of California. Mr. Speaker, I yield 30 additional seconds to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I thank the gentleman from California [Mr. DREIER]. I believe my voice is getting better. I think I am warming to the subject.

Where is the consistency in that? How can the actions of the Appropriations Committee not be made in order and the capricious amendment of one Member be made in order? Where is the logic in that?

I have heard the arguments about this being offered to the authorizing committee, but there seems to be some problem in getting it through the authorizing committee, even with this majority of support it had the last time.

I cannot in good honesty let an issue so important to the livelihoods of 38,000 small ranchers in the West be determined through this sort of a parliamentary maneuver. We should not let one Member undermine our beef production and throw these families out of business.

Mr. Speaker, I ask the Members to defeat the rule and support the rules of the House.

Mr. Speaker, I rise in opposition to the rule.

As a member of the Interior Appropriations Subcommittee, I testified before the Rules Committee last week against making the Synar grazing fee amendment in order. The Rules Committee did not protect from a point of order the section in the bill increasing grazing fees by one-third, but then the committee makes in order an amendment increasing the fees by over 400 percent.

Mr. Speaker, where is the consistency? How can the action of the Appropriations Committee not be made in order and the capricious amendment of one Member be in order? Where is the logic here?

I could certainly understand making this amendment in order if the authorizing committees were unwilling to act. But that is not the case. Chairman MILLER on the Interior and Insular Affairs Committee is holding hearings on the Synar bill and the Agriculture Committee has legislation before it now. Let an issue so important to the livelihood of 38,000 small ranchers in the West be determined in the proper channel. Do not let one Member undermine our beef production and throw families out of business.

Defeat the rule and support the rules of the House.

Mr. GORDON. Mr. Speaker, at this time I have no further requests for time, and I reserve the balance of my time.

Mr. DREIER of California. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to a hard-work-

ing member of the Committee on Appropriations, the gentleman from Tucson, AZ [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, the gentleman from Georgia said that the subcommittee of the Appropriations Committee did good work on this bill, and I agree with him, but that is not the issue we are debating here today. We are debating the rule, and the rule makes in order an amendment that is not a good amendment. It makes in order an amendment that ought not to be considered by this body. It makes in order an amendment that should be considered by the authorizing committee.

I find it ironic indeed that here we are again acting as members of the Appropriations Committee and we are harkening back to just 3 weeks ago when we went through this before, when the authorizing committee tried to do an end run around itself because it could not deal with the problem, so it comes to the Appropriations Committee.

How many times have we heard members of the authorizing committee stand up and wring their hands over the Appropriations Committee doing something against the authorizing committee? But here we are with the authorizing committee not only standing up and saying it is good but it is endorsing the idea of what we are doing here. The fact is, the authorizing committee did have debate on this bill. The fact is, they did not get this amendment out. The fact is, there is no support in the authorizing committee for this, and we ought not to be considering this on the floor today. This simply reduces the authorizing committee to some kind of irrelevancy.

We have heard a good deal about the GAO report. It took me an arm and a leg, it took me knocking some teeth together on Friday to get copies of that GAO report, and here we are the next legislative day and we are going to consider the GAO report as being some kind of a bible on this issue. We ought to have time for the authorizing committee to consider it. There are many arguments that we will have a chance to consider during the course of the debate against the Synar amendment itself, but for the moment we ought to consider that this is a violation of the process.

Mr. Speaker, we ought not make this in order. We ought to defeat the rule.

Mr. DREIER of California. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN], a hard-working member of the Committee on Interior and Insular Affairs and the ranking member of the Subcommittee on Water, Power and Offshore Energy Resources.

Mr. HANSEN. Mr. Speaker, again, this issue has made an end run around the Interior Committee. We in the Interior Committee have shown a willingness to properly deal with this issue. A vote on this measure should have taken place during debate on BLM authorization several weeks ago in the committee and not here on the House floor on an appropriations bill. Without any votes within the committee of jurisdiction over grazing fees, Congress will vote to raise fees from $1.97 per AUM to over $8.70 per AUM. This is an unfair tactic that should be rejected.

For many of you who think that this is a free environmental vote, let me tell you what the consequences would be if this measure were to be passed into law. If grazing fees were raised from $1.97 per AUM to over $8.70 per AUM the effect in the West would be as if we in Congress outlawed cattle stockyards and oil wells in Oklahoma. It would be as if we voted to do away with football in Norman, OK.

Many of you remember this debate from previous years. The arguments for raising the grazing fees are many, but the bottom line is to force cattle off of the public lands. Raising the fees by five times would no doubt have the effect that proponents of "Cattle Free in '93" are trying to achieve.

Over 80 percent of the land in my State is owned by the public. In some of the counties in my district, only 2 percent of the land area is privately owned. Livestock growers in my State and throughout the West are highly dependent on public lands for animal forage. Well over 50 percent of the livestock in Utah depend on public land forage at some time of the year. The majority of rural communities in the West are economically dependent on the use of public lands for grazing livestock. The loss of the livestock industry would threaten the existence of schools, businesses, and public services.

I am deeply concerned about rhetoric that would have you believe that there is an enormous amount of savings to be achieved by this measure. Where is the savings? In March of this year, Cy Jamison, Director the BLM appeared before the Interior Committee. He estimated that revenues from BLM land grazing would plummet from $18 million per year to not more than $1 million per year if this measure was adopted. The proposed fee increase would price all livestock off the Federal lands resulting in a loss of grazing fee revenue. A loss of $17 million does not constitute much savings.

Many argue that rich Western ranchers are profiting from subsidies from the Federal Government. The truth is that according to the BLM, 87 percent of ranchers who graze public lands are considered small, family farmers. In fact, statistics show that the average ranch family earns less than $28,000 and many earn much less than that.

I ask you to take a look at the environmental effect that grazing on the public lands has had. According to the BLM, today the public ranges of this Nation are in the best condition that they have been in this century. Ranchers have worked hard to be a part of this. Farmers and ranchers are the true environmentalists. It is in their own self-interest to improve the land. Grazing promotes plant vitality, increases wildlife, and overall benefits the management of the public lands.

Livestock producers have built tens of thousands of watering sites, roads, and fences. They have also utilized erosion control methods and improved Western watersheds that have helped increase the big game populations dramatically.

In "State of the Public Rangelands 1990," the BLM states that public rangelands are in better condition now than at any time in this century, and continue to improve. I have been with countless land management experts who have told me time and time again of the benefits of controlled grazing to promote plant vigor and diversity.

All we are asking for is fairness. This issue deserves to be properly debated in the committee of jurisdiction. I strongly urge you to vote against this measure. Bringing this issue up on an appropriations bill, without proper consideration in the committee of jurisdiction is the wrong approach.

Mr. DREIER of California. Mr. Speaker, I yield 1 minute to the very patient gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in strong opposition to allowing the amendment offered by the gentleman from Oklahoma [Mr. SYNAR].

Fifty percent of the land in Wyoming is owned by the Federal Government. The majority of this land is not withdrawn for special purposes such as wilderness or national parks but is rather mandated by the Federal Government for multiple use. I can recall reading that in our State in the early years there was practically no wildlife. Multiple use has brought forth waterholes, it has brought forth fencing, and it has brought forth a great deal more opportunity for hunting than we had before, and cattle and grazing contribute to this.

We also asked Cy Jamison at one of our meetings what it would cost to manage the lands without livestock, and he indicated it would be more than half of what it costs with livestock. Therefore, the fee being paid has reduced the cost to the Federal Government, not increased it, by having livestock there.

Mr. Speaker, I think this is a terribly important issue to those in the West whose economic futures depend on the multiple use of public lands. The Synar amendment is a bad idea, and I urge the Members of this House to vote against the measure.

Mr. DREIER of California. Mr. Speaker, for the purposes of debate only, I yield 1 minute to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Speaker, this Nation has a choice to make. It is a choice of whether we are going to harvest a renewable resource. There has been a prevalent attitude in this body to throw the cowboys off the range, to drag the miners out of the hills, and, while we are at it, to close down the timber industry with the Endangered Species Act. We as a Nation must decide whether we will secure that revenue from harvesting a renewable resource that is environmentally sound from our public lands.

The great tragedy we face is that if we pass the Synar-Darden amendment, we will mandate by turning our public range land over to the very wealthy, those who can spread the cost of grazing across vast tracts of land, fee land and public land, and thereby recapture that investment that they make in grazing on public land.

□ 1540

Mr. DREIER of California. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Speaker, I obviously join Members in opposing this rule, in opposing the Synar amendment, and oppose having it come before the floor on an appropriations bill, when it has not been considered by the authorizing committee.

Mr. Speaker, on the off chance I may not be able to address the House during consideration of the amendment itself, I simply want to take this opportunity to make one point: Last year in debate on this particular measure the gentleman from Oklahoma [Mr. SYNAR] emphasized the fact that those who lease State public lands for grazing purposes pay substantially more than those who lease Federal public lands for grazing purposes, and use a specific example of a fee of some $5.50 per animal unit per month on Arizona State public lands.

Mr. Speaker, that figure was incorrect then, and, if the gentleman from Oklahoma [Mr. SYNAR] chooses to use that figure again this year, I want to make the point right now, in case I cannot make it later, that the Arizona State grazing fee for grazing on State public lands is $1.50 per animal per month, not $5.50.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is apparent that we have witnessed a fascinating debate on the issue of grazing fees here. But that is really only part of the question. The fact of the matter is we have seen a blatant violation of clause 2 of rule XXI. We have not only seen legislating in an appropriation bill, we have also seen legislating in the Committee on Rules itself.

Mr. Speaker, because of the fact that we do not treat this issue fairly all the way around, I urge a no vote on this rule in the name of fairness, and yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to remind Members that last year a similar piece of legislation came before us and it passed 251 to 155. Certainly this House should have the right to work its will on this issue. For that reason, I urge adoption of this rule.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered

The SPEAKER pro tempore (Mr. HAYES of Illinois). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GORDON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 200, nays 168, answered "present" 1, not voting 63, as follows:

[Roll No. 188]

YEAS—200

Ackerman	Dingell	Jones (GA)
Alexander	Dixon	Jones (NC)
Anderson	Donnelly	Jontz
Andrews (ME)	Downey	Kanjorski
Andrews (NJ)	Durbin	Kaptur
Andrews (TX)	Dwyer	Kennedy
Annunzio	Early	Kennelly
Anthony	Eckart	Kildee
Applegate	Edwards (CA)	Kleczka
Aspin	Engel	Kolter
Atkins	Erdreich	Kostmayer
Bacchus	Evans	LaFalce
Barnard	Fascell	Lantos
Bennett	Fazio	Lehman (FL)
Berman	Feighan	Levin (MI)
Bevill	Flake	Lewis (GA)
Bilbray	Foglietta	Lipinski
Bonior	Ford (MI)	Lloyd
Borski	Frank (MA)	Long
Boucher	Gaydos	Lowey (NY)
Brooks	Gejdenson	Luken
Browder	Geren	Manton
Brown	Gibbons	Markey
Bruce	Glickman	Matsui
Bryant	Gonzalez	Mazzoli
Bustamante	Gordon	McCloskey
Byron	Gray	McCurdy
Cardin	Green	McDermott
Carper	Hall (OH)	McHugh
Carr	Hamilton	McMillen (MD)
Chapman	Harris	McNulty
Clement	Hatcher	Miller (CA)
Clinger	Hayes (IL)	Mineta
Coleman (TX)	Hayes (LA)	Mink
Collins (MI)	Hefner	Moakley
Conyers	Hertel	Mollohan
Cooper	Hoagland	Montgomery
Costello	Hochbrueckner	Moody
Cox (IL)	Horn	Moran
Cramer	Hoyer	Mrazek
Darden	Huckaby	Murtha
DeLauro	Hughes	Natcher
Dellums	Hutto	Neal (NC)
Derrick	Jefferson	Nowak
Dicks	Johnston	Obey
Olver	Sabo	Synar
Ortiz	Sanders	Tanner
Pallone	Sangmeister	Thomas (GA)
Panetta	Sarpalius	Thornton
Patterson	Sawyer	Torricelli
Pease	Scheuer	Traxler
Pelosi	Schroeder	Unsoeld
Perkins	Sharp	Valentine
Pickett	Sikorski	Vento
Poshard	Sisisky	Visclosky
Price	Skaggs	Volkmer
Rahall	Skelton	Waters
Rangel	Slattery	Weiss
Ray	Slaughter (NY)	Wheat
Reed	Smith (IA)	Whitten
Richardson	Solarz	Wilson
Roe	Spratt	Wise
Roemer	Staggers	Wolpe
Rose	Stark	Wyden
Rostenkowski	Studds	Yates
Rowland	Swett	Yatron
Roybal	Swift	

NAYS—168

Allard	Hastert	Porter
Archer	Hefley	Pursell
Armey	Henry	Quillen
AuCoin	Herger	Ramstad
Baker	Hobson	Ravenel
Ballenger	Horton	Regula
Barrett	Houghton	Rhodes
Barton	Hubbard	Riggs
Bateman	Hunter	Rinaldo
Bentley	Hyde	Ritter
Bereuter	Inhofe	Roberts
Bilirakis	Ireland	Rogers
Boehlert	Jacobs	Rohrabacher
Boehner	James	Ros-Lehtinen
Brewster	Johnson (CT)	Roth
Broomfield	Johnson (SD)	Roukema
Bunning	Johnson (TX)	Santorum
Burton	Kasich	Savage
Callahan	Kolbe	Saxton
Camp	Kyl	Schaefer
Campbell (CO)	Lagomarsino	Schiff
Coleman (MO)	LaRocco	Schulze
Combest	Laughlin	Sensenbrenner
Condit	Leach	Shaw
Coughlin	Lehman (CA)	Shays
Crane	Lewis (CA)	Shuster
Cunningham	Lewis (FL)	Skeen
de la Garza	Lightfoot	Slaughter (VA)
DeFazio	Livingston	Smith (NJ)
Dickinson	Lowery (CA)	Smith (OR)
Dooley	Marlenee	Smith (TX)
Doolittle	Martin	Snowe
Dorgan (ND)	McCandless	Solomon
Dornan (CA)	McCollum	Spence
Dreier	McCrery	Stallings
Duncan	McDade	Stenholm
Edwards (OK)	McEwen	Stump
Edwards (TX)	McGrath	Sundquist
Emerson	McMillan (NC)	Tallon
English	Meyers	Taylor (MS)
Fawell	Michel	Taylor (NC)
Fields	Miller (OH)	Thomas (CA)
Fish	Miller (WA)	Thomas (WY)
Franks (CT)	Molinari	Upton
Gallegly	Moorhead	Vander Jagt
Gilchrest	Morella	Vucanovich
Gilman	Morrison	Walker
Gingrich	Myers	Walsh
Goodling	Nagle	Weldon
Goss	Nichols	Williams
Grandy	Nussle	Wolf
Gunderson	Olin	Wylie
Hall (TX)	Oxley	Young (AK)
Hammerschmidt	Penny	Young (FL)
Hancock	Peterson (FL)	Zeliff
Hansen	Petri	Zimmer

ANSWERED "PRESENT"—1

Traficant

NOT VOTING—63

Abercrombie	Coyne	Gephardt
Beilenson	Dannemeyer	Gillmor
Bliley	Davis	Gradison
Boxer	DeLay	Guarini
Campbell (CA)	Dymally	Holloway
Chandler	Espy	Hopkins
Clay	Ford (TN)	Jenkins
Coble	Frost	Klug
Collins (IL)	Gallo	Kopetski
Cox (CA)	Gekas	Lancaster

Lent	Owens (NY)	Schumer
Levine (CA)	Owens (UT)	Serrano
Machtley	Packard	Smith (FL)
Martinez	Parker	Stearns
Mavroules	Paxon	Stokes
Mfume	Payne (NJ)	Tauzin
Murphy	Payne (VA)	Torres
Neal (MA)	Peterson (MN)	Towns
Oakar	Pickle	Washington
Oberstar	Ridge	Waxman
Orton	Russo	Weber

□ 1606

The Clerk announced the following pairs:

On this vote:

Mr. Lancaster for, with Mr. Owens of Utah against.

Mr. Dymally for, with Mr. Orton of Utah against.

Mr. Guarini for, with Mr. Packard against.

Mr. BOEHNER and Mr. EDWARDS of Texas changed their vote from "yea" to "nay."

Mr. KOLTER changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall vote No. 188. Had I been present on the House floor I would have cast my vote as follows:

Roll No. 188—Yea on passage of House Resolution 179, the rule regarding consideration of H.R. 2686, the Department of Interior and related agencies appropriations bill for fiscal year 1992.

PERSONAL EXPLANATION

Mr. DANNEYEYER. Mr. Speaker, I was unavoidably away from the House. I was unable to vote on one rollcall vote. Please let the record stand that would have voted "no" on rollcall 188, the rule for the Interior appropriation bill.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO SIT DURING 5-MINUTE RULE ON TUESDAY, JUNE 25, 1991

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be permitted to sit during proceedings under the 5-minute rule on Tuesday, June 25, 1991.

The SPEAKER pro tempore (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2686 which we are about to consider, and that I may be permitted to include tables, charts, and other material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. YATES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Ohio [Mr. REGULA] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

□ 1610

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, with Mr. GORDON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring before the House for consideration today, the Committee on Appropriations' recommendations for funding for the Department of the Interior and Related Agencies for fiscal year 1992. The general theme of this appropriations bill is the continued operation, with no frills, of the many essential activities this bill supports. Those programs include most of the Department of the Interior, including all our national parks and wildlife refuges; essential energy research on conservation and fossil fuels in the Department of Energy; Forest Service programs; the Indian Health Service; the National Foundation on the Arts and the Humanities; the Smithsonian; and a wide range of smaller advisory agencies. The bill emphasizes the operational needs of our national wildlife refuges, parks and forests, the educational and health needs of American Indians and Alaskan Natives, and the continuation of needed energy research.

The activities in this bill are expected to generate receipts to the Treasury of approximately $7.3 billion in fiscal year 1992, which goes a long way toward offsetting the recommended new budget authority.

The Interior bill is within the budget allocation put forward under section 602(b) with respect to both budget authority and outlays. I would point out the outlay amount in this bill is below our outlay level for fiscal year 1991. The discretionary budget authority, including scorekeeping adjustments, will be $13.2 billion. The discretionary budget authority for fiscal year 1991 is $12.7 billion. The growth between 1991 and 1992 is $500 million or approximately 3.9 percent.

This modest increase was quickly eaten into by an increase of $66.4 million over 1991 to meet the terms of compulsory Indian settlements, and $45 million for the Tongas National Forest in Alaska, which used to be a permanent appropriation.

The fixed costs of items in the Department of the Interior such as pay raises, Federal employee retirement system costs, space charges, telephone bills, and other similar non-flexible expenses, have gone up by approximately $190 million.

The costs from previous appropriations associated with the Clean Coal Program go up in 1992 by $74 million while budget authority for oil acquisition for the strategic petroleum reserve will be up approximately $290 million.

So you can see that little or no money overall went for increases to ongoing programs in the bill.

We have, to the best of our ability, incorporated in this bill the interests expressed by Members. Roughly 370 Members either testified before the subcommittee or sent in written requests for consideration. We received over 3,000 individual program or project-specific requests from Members.

Many of you are interested in the land and water conservation fund. We have provided $320,462,000 in this bill for the land and water conservation fund. Of this amount, $23,500,000 is for State grants with the balance allocated among the four land managing agencies under our jurisdiction.

In order to stay within our allocation, we were unable to fund any of the

40 new starts for visitors centers which were requested by members. We also generally were unable to fund program expansions. Several of the accounts in the bill are recommended for funding below current levels. They include the Fish and Wildlife Service, the Bureau of Mines, the Office of Surface Mining, the Territories, fossil energy research and development, and the Pennsylvania Avenue Development Corporation.

The bill establishes an emergency firefighting fund in both the Department of the Interior and the Forest Service, and provides the amounts requested by the administration for emergency purposes. These amounts are $100 million for the Department of the Interior and $112 million for the Forest Service.

The bill conditions the use of these firefighting funds on a determination by the President that these funds are an emergency requirement according to the Balanced Budget and Emergency Deficit Control Act of 1985, and does not allow the use of other funds for firefighting until this is done and these funds are spent. This arrangement prevents borrowing from important appropriations accounts to pay for emergency firefighting. Such emergency borrowing has been necessary constantly over the years, and inhibits important programs including land acquisition and construction in the Department of the Interior for the Bureau of Land Management, the National Park Service and the Fish and Wildlife Service, and reforestation in the Forest Service. I would point out that these funds are not for the normal operation of fire prevention programs or for the basic personnel that support those ongoing programs. Rather, they are for emergency measures required during firefighting.

Moratoria on OCS leasing and related activities are continued in the bill this year, with an expanded area in the Atlantic, from Rhode Island south into Florida, recommended for protection from any new leasing efforts. The entire Pacific and Atlantic coasts are covered by these moratoria, as is the Eastern Gulf of Mexico and Bristol Bay in Alaska.

We have included funds to continue hospital and clinic construction to service Indian health needs. The administration, again this year, included no funding in its budget request for Indian hospital construction. The recommendations before you increase funding for Indian health services as well. The unmet need for these services is still estimated to be in excess of $500,000,000. An additional $360,000,000 would be needed to complete construction of the hospitals and clinics on the current IHS priority list and another $500,000,000 for the backlog of needed water and sewer systems for existing Indian homes.

Funding is included for a special initiative on the Pacific yew, including $1,750,000 for research and $1,100,000 for reforestation and cooperative efforts with the National Cancer Institute. The Pacific yew is the only known source of the drug taxol, which has shown significant activity against ovarian cancer, as well as promising results against breast cancer. It is projected that 50,000 women will die from these diseases this year. Taxol is in short supply, and this initiative will help ensure that taxol will be more readily available for continued experimentation while also recognizing the value and importance of the Pacific yew as a significant environmental resource in and of itself.

Staying within the budget agreement has not been easy. We all are faced with the long-term ramifications of the belt tightening we have begun to feel in earnest this year. Under the budget agreement, the prospects for our programs only get gloomier next year and the year after. We cannot place on hold indefinitley many of the needed program expansions and improvements. In this bill those needs involve the operation of our national parks and other land management programs; improved services to Indians and Alaskan Natives, especially in the education and health areas; expansions to existing energy research to enable cleaner and more efficient use of limited resources and to develop alternatives which will decrease our dependence on non-renewable and imported sources; and investments in the cultural resources represented by historic preservation, arts, and museum programs. We have a responsibility to preserve these resources for our children and grandchildren and for generations to come.

It has come to the committee's attention that the General Accounting Office has recently taken the position that funds appropriated for the operation of Indian programs are available to pay for claims against the Government. The specific case in point is the Navajo Tribe, et al. versus Lujan. The case involves the use of funds previously held in the Indian moneys proceeds of labor account and the settlement amount is $749,500.

It is the opinion of the committee that funds appropriated for the operation of Indian programs are not available for the payment of judgments against the Secretary, but rather are available only to carry out those activities specified in the bill and report language accompanying the annual appropriations act.

Congress has provided for the payment of judgments against the United States by the adoption of legislation for a permanent judgement appropriation. This is the proper source of funds to pay the award and the committee believes the General Accounting Office should move expeditiously to transfer such funds as are required for the settlement from the fund to the Bureau of Indian Affairs in satisfaction of the claim.

Before closing, I feel compelled to address the question of potential points of order against the bill. The Interior Committee has complained about certain provisions in the bill that have been in law for many years and without which the smooth operation of programs will be impeded. As an example, the language, questioned by the authorizing committee, for the Office of Surface Mining has been carried for years.

In the OSM Regulation and Technology account the language with respect to civil penalties permits the use of these funds for needed coal mine reclamation by the Federal Government or by the States. This provision is consistent with the intent of the AML reauthorization as expressed in section 402(g)(4)(D). The agency lawyers have said the language as it currently exists needs to be continued to allow them to continue to use these funds. Likewise, the proviso on OSM paying for travel of State and tribal representatives attending OSM-sponsored training has been a tremendous help to getting these people trained and to improving individual programs managed by the States and tribes. Deleting these longstanding provisions would hurt the program.

In the abandoned mine reclamation fund account the provisos that would be struck also are longstanding and essential to the continued smooth operation of the OSM program. In particular, the first two provisos in question should be retained. The first involves allowing the OSM to use up to 20 percent of delinquent debt recoveries to pay for contracts to collect these debts. The second limits administrative expenses for the rural abandoned mine program [RAMP] to 15 percent of the funds available, therby ensuring that the vast majority of these funds go to actual reclamation work.

It should be noted that the committee, to a great extent incorporated the provisions in the AML reauthorization including: a $2 million minimum program for certain States; funding of emergencies separate from State grants; and increased funding for the Small Operator Assistance Program.

I would point out that there is a printing error on page 118 of the report that accompanies the bill. The fifth direction to the Indian Health Service on that page should read: "The IHS will include in future budget requests funds sufficient to provide services to new tribes at the average level of services IHS-wide."

Mr. Chairman, I want to commend all the members of the subcommittee for their contributions to this bill, especially the ranking minority member, RALPH REGULA. All the members

should be recognized for their efforts. So my thanks go to JOHN MURTHA, NORMAN DICKS, LES AUCOIN, TOM BEVILL, CHET ATKINS, JOE MCDADE, BILL LOWERY and JOE SKEEN.

I also want to thank the committee staff, including the Director Neal Sigmon and his associates Bob Kripowicz, Kathleen Johnson, Loretta Beaumont, Angie Perry, and Tom Barnes. On my personal staff credit goes to Adrianne Moss and Eric Puchala.

This is a reasonable bill within the very tight restrictions imposed on the committee by the budget agreement. It is a diverse, complex and good bill. I believe it is worthy of your full support.

Tables detailing the accounts in the bill follow:

Department of the Interior and Related Agencies Appropriations Bill (H.R. 2686)

	FY 1991 Enacted	FY 1992 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	497,491,000	525,578,000	518,865,000	+19,374,000	-6,713,000
Firefighting	167,880,000	222,879,000	122,010,000	-45,870,000	-100,869,000
Emergency Department of the Interior Firefighting Fund	.....	.....	(100,869,000)	(+100,869,000)	(+100,869,000)
Construction and access	15,305,000	8,534,000	12,503,000	-2,802,000	+3,969,000
Payments in lieu of taxes	104,450,000	105,000,000	105,000,000	+550,000	.....
Land acquisition	15,567,000	47,530,000	33,640,000	+18,073,000	-13,890,000
Oregon and California grant lands	84,033,000	84,094,000	93,074,000	+9,041,000	+8,980,000
Range improvements (indefinite)	10,188,000	10,687,000	10,687,000	+499,000	.....
Service charges, deposits, and forfeitures (indefinite)	7,968,000	8,000,000	8,000,000	+32,000	.....
Miscellaneous trust funds (indefinite)	7,130,000	7,285,000	7,285,000	+155,000	.....
Total, Bureau of Land Management	910,012,000	1,019,587,000	909,064,000	-948,000	-110,523,000
United States Fish and Wildlife Service					
Resource management	473,776,000	517,137,000	509,891,000	+36,115,000	-7,246,000
Construction and anadromous fish	92,825,000	50,147,000	71,102,000	-21,523,000	+20,955,000
Land acquisition	100,620,000	62,030,000	87,722,000	-12,898,000	+25,692,000
National wildlife refuge fund	10,942,000	14,066,000	11,000,000	+58,000	-3,066,000
Rewards and operations	995,000	1,201,000	1,201,000	+206,000	.....
North American wetlands conservation fund	14,921,000	15,021,000	.....	-14,921,000	-15,021,000
Natural resource damage assessment fund	.....	5,000,000	3,740,000	+3,740,000	-1,260,000
Cooperative endangered species conservation fund	.....	5,705,000	6,705,000	+6,705,000	+1,000,000
Total, United States Fish and Wildlife Service	693,879,000	670,307,000	691,361,000	-2,518,000	+21,054,000
National Park Service					
Operation of the national park system	876,699,000	970,526,000	969,047,000	+92,348,000	-1,479,000
National recreation and preservation	18,302,000	28,949,000	23,420,000	+5,118,000	-5,529,000
Historic preservation fund	34,483,000	35,931,000	35,931,000	+1,448,000	.....
Construction	270,446,000	115,896,000	237,506,000	-32,940,000	+121,610,000
(Liquidation of contract authority)	(22,143,000)	.....	.....	(-22,143,000)	.....
Urban park and recreation fund	19,895,000	.....	10,000,000	-9,895,000	+10,000,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	.....	.....
Land acquisition and state assistance	138,792,000	117,645,000	108,365,000	-28,427,000	-9,280,000
John F. Kennedy Center for the Performing Arts	21,039,000	22,945,000	22,945,000	+1,906,000	.....
Illinois and Michigan Canal National Heritage Corridor Commission	249,000	.....	250,000	+1,000	+250,000
Total, National Park Service (net)	1,347,905,000	1,261,892,000	1,377,464,000	+29,559,000	+115,572,000
Geological Survey					
Surveys, investigations, and research	570,698,000	563,100,000	589,499,000	+18,801,000	+26,399,000
Minerals Management Service					
Leasing and royalty management	195,995,000	233,514,000	208,090,000	+12,095,000	-25,424,000
Payments to States from receipts under Mineral Leasing Act	.....	610,000	.....	.....	-610,000
Total, Minerals Management Service	195,995,000	234,124,000	208,090,000	+12,095,000	-26,034,000
Bureau of Mines					
Mines and minerals	181,227,000	156,123,000	175,890,000	-5,337,000	+19,767,000
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	109,351,000	112,458,000	110,250,000	+899,000	-2,208,000
Receipts from performance bond forfeitures (indefinite)	1,492,000	1,500,000	1,500,000	+8,000	.....
Total	110,843,000	113,958,000	111,750,000	+907,000	-2,208,000
Abandoned mine reclamation fund (definite, trust fund)	198,958,000	158,035,000	190,200,000	-8,758,000	+32,165,000
Total, Office of Surface Mining Reclamation and Enforcement	309,801,000	271,993,000	301,950,000	-7,851,000	+29,957,000
Bureau of Indian Affairs					
Operation of Indian programs	1,320,044,000	750,657,000	1,283,630,000	-36,414,000	+532,973,000
Construction	167,853,000	79,879,000	212,856,000	+45,203,000	+132,977,000
Education construction	.....	50,998,000	.....	.....	-50,998,000
Indian education programs	.....	418,816,000	.....	.....	-418,816,000
Miscellaneous payments to Indians	56,135,000	87,617,000	87,617,000	+31,482,000	.....
Navajo rehabilitation trust fund	2,984,000	.....	4,000,000	+1,016,000	+4,000,000
Indian loan guaranty and insurance fund	11,725,000	.....	.....	-11,725,000	.....
Indian direct loan program account	.....	3,094,000	4,059,000	+4,059,000	+965,000
(Limitation on direct loans)	.....	(10,735,000)	(15,735,000)	(+15,735,000)	(+5,000,000)
Indian guaranteed loan program account	.....	8,022,000	9,532,000	+9,532,000	+1,510,000
(Limitation on guaranteed loans)	.....	(46,432,000)	(56,432,000)	(+56,432,000)	(+10,000,000)
Technical assistance of Indian enterprises	.....	1,000,000	1,000,000	+1,000,000	.....
Total, Bureau of Indian Affairs	1,558,541,000	1,399,883,000	1,602,894,000	+44,153,000	+202,811,000

Department of the Interior and Related Agencies Appropriations Bill (H.R. 2686)—Continued

	FY 1991 Enacted	FY 1992 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Territorial and International Affairs					
Administration of territories	75,586,000	38,073,000	74,130,000	-1,456,000	+36,057,000
Interest rate differential	30,237,000	29,047,000	29,047,000	-1,190,000	.....
Total	105,823,000	67,120,000	103,177,000	-2,646,000	+36,057,000
Trust Territory of the Pacific Islands	48,452,000	19,451,000	27,951,000	-20,501,000	+8,500,000
Compact of Free Association	14,722,000	7,910,000	16,010,000	+1,288,000	+8,100,000
Mandatory payments	10,000,000	10,000,000	10,000,000	.....	.....
Total	24,722,000	17,910,000	26,010,000	+1,288,000	+8,100,000
Total, Territorial Affairs	178,997,000	104,481,000	157,138,000	-21,859,000	+52,657,000
Departmental Offices					
Office of the Secretary	58,428,000	70,314,000	66,414,000	+7,986,000	-3,900,000
Oil spill emergency fund	.....	7,800,000	3,900,000	+3,900,000	-3,900,000
Office of the Solicitor	26,742,000	33,902,000	30,525,000	+3,783,000	-3,377,000
Office of Inspector General	22,040,000	26,933,000	24,244,000	+2,204,000	-2,689,000
Construction Management	2,086,000	2,399,000	2,243,000	+157,000	-156,000
National Indian Gaming Commission	1,247,000	2,490,000	1,890,000	+643,000	-600,000
Total, Departmental Offices	110,543,000	143,838,000	129,216,000	+18,673,000	-14,622,000
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	6,057,598,000	5,825,328,000	6,142,366,000	+84,768,000	+317,038,000
Appropriations	(6,087,598,000)	(5,855,328,000)	(6,172,366,000)	(+84,768,000)	(+317,038,000)
Definite	(6,060,820,000)	(5,827,856,000)	(6,144,894,000)	(+84,074,000)	(+317,038,000)
Indefinite	(26,778,000)	(27,472,000)	(27,472,000)	(+694,000)	.....
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	.....	.....
(Liquidation of contract authority)	(22,143,000)	.....	.....	(-22,143,000)	.....
(Limitation on direct loans)	.....	(10,735,000)	(15,735,000)	(+15,735,000)	(+5,000,000)
(Limitation on guaranteed loans)	.....	(46,432,000)	(56,432,000)	(+56,432,000)	(+10,000,000)
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest research	167,629,000	163,230,000	183,572,000	+15,943,000	+20,342,000
State and private forestry	182,416,000	215,582,000	205,041,000	+22,625,000	-10,541,000
National forest system	1,298,333,000	1,377,393,000	1,280,947,000	-17,386,000	-96,446,000
Forest Service firefighting	297,937,000	302,203,000	189,803,000	-108,134,000	-112,400,000
Emergency Forest Service Firefighting Fund	.....	.....	(112,000,000)	(+112,000,000)	(+112,000,000)
Construction	277,133,000	286,148,000	350,420,000	+73,287,000	+64,272,000
Timber receipts transfer to general fund (indefinite)	(-96,280,000)	(-94,872,000)	(-94,872,000)	(+1,408,000)	.....
Timber purchaser credits	(110,000,000)	(113,000,000)	(113,000,000)	(+3,000,000)	.....
Land acquisition	88,696,000	123,069,000	90,735,000	+2,039,000	-32,334,000
Operation and maintenance of recreation facilities	.....	7,500,000	.....	.....	-7,500,000
Acquisition of lands for national forests, special acts	1,097,000	1,148,000	1,148,000	+51,000	.....
Acquisition of lands to complete land exchanges (indefinite)	1,099,000	1,246,000	1,246,000	+147,000	.....
Range betterment fund (indefinite)	4,554,000	5,507,000	5,507,000	+953,000	.....
Gifts, donations and bequests for forest and rangeland research	30,000	97,000	97,000	+67,000	.....
Tongass timber supply fund (limitation on permanent appropriation)	(42,887,000)	(47,749,000)	.....	(-42,887,000)	(-47,749,000)
Early Winters land exchange (sec. 317)	497,000	.....	.....	-497,000	.....
Total, Forest Service	2,319,421,000	2,483,123,000	2,308,516,000	-10,905,000	-174,607,000
DEPARTMENT OF ENERGY					
Clean coal technology	-565,000,000	.....	.....	+565,000,000	.....
Transfer to Fossil energy research and development	.....	-150,000,000	.....	.....	+150,000,000
Fossil energy research and development	458,750,000	77,005,000	453,989,000	-4,761,000	+376,984,000
Rescission	.....	.....	-8,000,000	-8,000,000	-8,000,000
Transfer from Clean Coal	.....	150,000,000	.....	.....	-150,000,000
Total	458,750,000	227,005,000	445,989,000	-12,761,000	+218,984,000
Alternative fuels production (indefinite)	-9,600,000	.....	-9,500,000	+100,000	-9,500,000
Naval petroleum and oil shale reserves	223,135,000	222,300,000	238,200,000	+15,065,000	+15,900,000
Energy conservation	495,177,000	325,934,000	559,661,000	+64,484,000	+233,727,000
Economic regulation	16,728,000	14,428,000	15,114,000	-1,614,000	+686,000
Emergency preparedness	7,080,000	8,300,000	8,300,000	+1,220,000	.....
Strategic Petroleum Reserve	200,576,000	185,858,000	63,173,000	-137,403,000	-122,685,000
SPR petroleum account	.....	.....	203,000,000	+203,000,000	+203,000,000
Energy Information Administration	68,940,000	76,454,000	77,908,000	+8,968,000	+1,454,000
Total, Department of Energy:					
New budget (obligational) authority	895,786,000	910,279,000	1,601,845,000	+706,059,000	+691,566,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services	1,411,167,000	524,047,000	1,432,712,000	+21,545,000	+908,665,000
Federal Indian health administration	.....	887,120,000	.....	.....	-887,120,000
Indian health facilities	166,402,000	12,444,000	295,211,000	+128,809,000	+282,767,000
Total, Indian Health Service	1,577,569,000	1,423,611,000	1,727,923,000	+150,354,000	+304,312,000

Department of the Interior and Related Agencies Appropriations Bill (H.R. 2686)—Continued

	FY 1991 Enacted	FY 1992 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
DEPARTMENT OF EDUCATION					
Office of Elementary and Secondary Education					
Indian education	75,365,000	77,400,000	77,547,000	+2,182,000	+147,000
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	33,572,000	33,572,000	31,634,000	-1,938,000	-1,938,000
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	5,447,000	6,087,000	8,187,000	+2,740,000	+2,100,000
Smithsonian Institution					
Salaries and expenses	272,883,000	292,450,000	286,269,000	+13,386,000	-6,181,000
Construction and improvements, National Zoological Park	6,636,000	8,000,000	8,000,000	+1,364,000	.....
Repair and restoration of buildings	31,191,000	31,600,000	27,710,000	-3,481,000	-3,890,000
Construction	15,407,000	25,100,000	20,100,000	+4,693,000	-5,000,000
Total, Smithsonian Institution	326,117,000	357,150,000	342,079,000	+15,962,000	-15,071,000
National Gallery of Art					
Salaries and expenses	46,033,000	49,900,000	48,236,000	+2,203,000	-1,664,000
Repair, restoration and renovation of buildings	3,487,000	7,600,000	6,850,000	+3,363,000	-750,000
Total, National Gallery of Art	49,520,000	57,500,000	55,086,000	+5,566,000	-2,414,000
Woodrow Wilson International Center for Scholars					
Salaries and expenses	5,047,000	5,744,000	5,819,000	+772,000	+75,000
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	146,230,000	143,583,000	147,700,000	+1,470,000	+4,117,000
Matching grants	27,853,000	30,500,000	30,500,000	+2,647,000	.....
Total, National Endowment for the Arts	174,083,000	174,083,000	178,200,000	+4,117,000	+4,117,000
National Endowment for the Humanities					
Grants and administration	142,997,000	147,750,000	153,150,000	+10,153,000	+5,400,000
Matching grants	27,008,000	30,450,000	25,050,000	-1,958,000	-5,400,000
Total, National Endowment for the Humanities	170,005,000	178,200,000	178,200,000	+8,195,000	.....
Institute of Museum Services					
Grants and administration	25,864,000	26,949,000	27,344,000	+1,480,000	+395,000
Total, National Foundation on the Arts and the Humanities	369,952,000	379,232,000	383,744,000	+13,792,000	+4,512,000
Commission of Fine Arts					
Salaries and expenses	634,000	705,000	722,000	+88,000	+17,000
National Capital Arts and Cultural Affairs					
Grants	6,217,000	.....	7,000,000	+783,000	+7,000,000
Advisory Council on Historic Preservation					
Salaries and expenses	2,226,000	2,535,000	2,623,000	+397,000	+88,000
National Capital Planning Commission					
Salaries and expenses	3,430,000	4,500,000	4,500,000	+1,070,000	.....
Franklin Delano Roosevelt Memorial Commission					
Salaries and expenses	28,000	28,000	33,000	+5,000	+5,000
Pennsylvania Avenue Development Corporation					
Salaries and expenses	2,353,000	2,807,000	2,807,000	+454,000	.....
Public development	4,780,000	5,026,000	4,491,000	-289,000	-535,000
Land acquisition and development fund	4,974,000	14,000,000	.....	-4,974,000	-14,000,000
Total, Pennsylvania Avenue Development Corporation	12,107,000	21,833,000	7,298,000	-4,809,000	-14,535,000
United States Holocaust Memorial Council					
Holocaust Memorial Council	7,514,000	7,300,000	10,605,000	+3,091,000	+3,305,000
Total, title II, Related Agencies:					
New budget (obligational) authority	5,689,952,000	5,770,599,000	6,575,161,000	+885,209,000	+804,562,000
Appropriations, fiscal year 1992	(5,689,952,000)	(5,770,599,000)	(6,575,161,000)	(+885,209,000)	(+804,562,000)
Definite	(5,693,899,000)	(5,763,846,000)	(6,585,908,000)	(+892,009,000)	(+822,062,000)
Indefinite	(-3,947,000)	(6,753,000)	(-2,747,000)	(+1,200,000)	(-9,500,000)
(Timber receipts transfer to general fund, indefinite)	(-96,280,000)	(-94,872,000)	(-94,872,000)	(+1,408,000)	.....
(Timber purchaser credits)	(110,000,000)	(113,000,000)	(113,000,000)	(+3,000,000)	.....

Department of the Interior and Related Agencies Appropriations Bill (H.R. 2686)—Continued

	FY 1991 Enacted	FY 1992 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Grand total:					
New budget (obligational) authority (net)	11,747,550,000	11,595,927,000	12,717,527,000	+969,977,000	+1,121,600,000
Appropriations, fiscal year 1992 (net)	(11,747,550,000)	(11,595,927,000)	(12,717,527,000)	(+969,977,000)	(+1,121,600,000)
Appropriations	(11,777,550,000)	(11,625,927,000)	(12,747,527,000)	(+969,977,000)	(+1,121,600,000)
Definite	(11,754,719,000)	(11,591,702,000)	(12,730,802,000)	(+976,083,000)	(+1,139,100,000)
Indefinite	(22,831,000)	(34,225,000)	(24,725,000)	(+1,894,000)	(-9,500,000)
Rescissions	(-30,000,000)	(-30,000,000)	(-30,000,000)	.....	.....
(Liquidation of contract authority)	(22,143,000)	.....	.....	(-22,143,000)	.....
(Timber receipts transfer to general fund, indefinite)	(-96,280,000)	(-94,872,000)	(-94,872,000)	(+1,408,000)	.....
(Timber purchaser credits)	(110,000,000)	(113,000,000)	(113,000,000)	(+3,000,000)	.....
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	910,012,000	1,019,587,000	909,064,000	-948,000	-110,523,000
United States Fish and Wildlife Service	693,879,000	670,307,000	691,361,000	-2,518,000	+21,054,000
National Park Service	1,347,905,000	1,261,892,000	1,377,464,000	+29,559,000	+115,572,000
Geological Survey	570,698,000	563,100,000	589,499,000	+18,801,000	+26,399,000
Minerals Management Service	195,995,000	234,124,000	208,090,000	+12,095,000	-26,034,000
Bureau of Mines	181,227,000	156,123,000	175,890,000	-5,337,000	+19,767,000
Office of Surface Mining Reclamation and Enforcement	309,801,000	271,993,000	301,950,000	-7,851,000	+29,957,000
Bureau of Indian Affairs	1,558,541,000	1,399,883,000	1,602,694,000	+44,153,000	+202,811,000
Territorial and International Affairs	178,997,000	104,481,000	157,138,000	-21,859,000	+52,657,000
Secretarial Offices	110,543,000	143,838,000	129,216,000	+18,673,000	-14,622,000
Total, Title I - Department of the Interior	6,057,598,000	5,825,328,000	6,142,366,000	+84,768,000	+317,038,000
TITLE II - RELATED AGENCIES					
Forest Service	2,319,421,000	2,483,123,000	2,308,516,000	-10,905,000	-174,607,000
Department of Energy	895,786,000	910,279,000	1,601,845,000	+706,059,000	+691,566,000
Indian Health	1,577,569,000	1,423,611,000	1,727,923,000	+150,354,000	+304,312,000
Indian Education	75,365,000	77,400,000	77,547,000	+2,182,000	+147,000
Office of Navajo and Hopi Indian Relocation	33,572,000	33,572,000	31,634,000	-1,938,000	-1,938,000
Institute of American Indian and Alaska Native Culture and Arts Development	5,447,000	6,087,000	8,187,000	+2,740,000	+2,100,000
Smithsonian	326,117,000	357,150,000	342,079,000	+15,962,000	-15,071,000
National Gallery of Art	49,520,000	57,500,000	55,086,000	+5,566,000	-2,414,000
Woodrow Wilson International Center for Scholars	5,047,000	5,744,000	5,819,000	+772,000	+75,000
National Endowment for the Arts	174,083,000	174,083,000	178,200,000	+4,117,000	+4,117,000
National Endowment for the Humanities	170,005,000	178,200,000	178,200,000	+8,195,000	.....
Institute of Museum Services	25,864,000	26,949,000	27,344,000	+1,480,000	+395,000
Commission of Fine Arts	634,000	705,000	722,000	+88,000	+17,000
National Capital Arts and Cultural Affairs	6,217,000	.....	7,000,000	+783,000	+7,000,000
Advisory Council on Historic Preservation	2,226,000	2,535,000	2,623,000	+397,000	+88,000
National Capital Planning Commission	3,430,000	4,500,000	4,500,000	+1,070,000	.....
Franklin Delano Roosevelt Memorial Commission	28,000	28,000	33,000	+5,000	+5,000
Pennsylvania Avenue Development Corporation	12,107,000	21,833,000	7,298,000	-4,809,000	-14,535,000
Holocaust Memorial Council	7,514,000	7,300,000	10,605,000	+3,091,000	+3,305,000
Total, Title II - Related Agencies	5,689,952,000	5,770,599,000	6,575,161,000	+885,209,000	+804,562,000
Grand total	11,747,550,000	11,595,927,000	12,717,527,000	+969,977,000	+1,121,600,000

□ 1620

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we sing the song, "America the Beautiful", and we think of the words. Certainly if there is a bill or an appropriation that comes before the House that keeps America beautiful, it is the Interior bill. It covers a wide range of responsibilities, a wide range of the aspects of "America the Beautiful."

Let me say, though, before I describe this bill, that it has been a real joy to work with Chairman YATES. He is very fair and this committee is totally nonpartisan. As was pointed out by the chairman, we had 370 Members from both sides of the aisle, with something like 3,000 items that they requested on behalf of their constituents. If there is a bill that is a people's bill that comes before us, this would be it.

Also, I want to say as to the chairman, that he is very patient. The first amendment of the U.S. Constitution states that it is "the right of the people peaceably to assemble and to petition the Government for a redress of grievances." Well, they certainly petition our committee. We have literally hundreds of people who come before the subcommittee and the chairman gives each one an opportunity to be heard. He is very patient in listening to their concerns for America the Beautiful, and I think that is a wonderful quality. It is a pleasure to work with the gentleman and the staff. The staff is just as nonpartisan as the chairman.

I want to also mention Kathleen Wheeler, who is working with me on this bill. She has done a terrific job in helping to put this bill together and to bring to my attention all of the concerns of our colleagues, as well as the public.

Most people do not realize that one-third of the United States is owned by the Government. Federal lands managed by the Park Department, the BLM, the Bureau of Land Management and the Forest Service, and our subcommittee has the responsibility for appropriating the funds to operate these 750 million acres of land.

To give you an idea of why this is a people's bill, last year in the national parks we had the equivalent of 336 million visitor days. Now, that is a lot of days and a lot of usage of our parks. In the Forest Service, we had 263 million visitor days.

Most people do not think of the Forest Service as being part of our recreation assets in this Nation, and yet there is a vast flow of visitors into the national forests.

The Bureau of Land Management had 518 million visitor days, in part because they have a lot of land under their jurisdiction.

I might mention as a side comment that some of this BLM land is leased for grazing and, of course, one of the burdens that goes with grazing on public lands is that you have to allow the public in. So part of the visitor days on

the BLM land were people using the lands on which individuals are paying grazing fees, using it to hunt, to fish, to camp or a multitude of other things that they might enjoy doing. So that is one dimension of this bill, providing for the visitors to our lands.

Secondly, we deal with the nonnuclear portion of the Department of Energy. We know so well how important our fossil resources are, how important energy is to this Nation's future.

We manage the Bureau of Indian Affairs, spending over a billion dollars spent on insuring that the Indians have adequate educational facilities, and that they have adequate health facilities. We make a great effort to encourage the Bureau of Indian Affairs to develop activities that make economic sense that will allow these people to manage their own affairs, to have jobs, and to plug into the economy of America.

We also deal with the cultural dimension of our society. We have the appropriations for the Kennedy Center, the Smithsonian, the National Galley of Art, the NEA and the NEH, and many other cultural activities. Many of you have the Civil War tapes. I think every Member had an opportunity to get a set of those. They were in part financed by funds provided by the National Endowment for the Humanities, which is part of this bill. That is an example of the kind of productive activity that results from the bill that is before us today.

We also are responsible for funding the President's initiative on stewardship and tree planting which is part of the administration's "America the Beautiful" program.

Unfortunately, because of fiscal constraints, we could not put in all the money that the administration would have liked, but we do have $35 million for these programs. This is an increase of 75 percent over last year.

Again we are recognizing that the preservation of the natural resources and assets of this Nation is a vital responsibility of this committee and this Congress, and we have tried to address that in this bill.

We must, of course, deal with the problem of maintenance of our parks, of our forests and of our Bureau of Land Management lands. This is a difficult challenge because, as I mentioned earlier, of the heavy usage that these facilities receive, there is a great impact on roads, on sanitation facilities, on camping facilities. Unfortunately, we cannot do as much as we would like in maintaining the quality of the experience of the public. For that reason it was a difficult challenge to allocate our funds in a way that would insure that every person using the Federal lands has an experience, a worthwhile experience, has an experience that they will find a joy, that will give them a feeling of satisfaction as they use the national public lands facilities.

I have a concern as to what we are doing on moratoria on the Outer Continental Shelf. Each year incrementally we take out a little more. It is not available to those who own it; namely, the people of the United States.

I am troubled a little bit by the fact that there is an attitude which prevails that Outer Continental Shelf lands belong to the States or belong to the people who live in the States adjacent to them. Those are lands that belong to all the people in this Nation. Therefore, the oil and gas resources under those lands are the property of all the people in the United States.

I think under the conditions of environmental restraints, under the conditions that we protect the fragile areas, that we should have an orderly program of developing these resources.

□ 1630

I have a concern that at some point when we get a recurrence of the experience of the late 1970's, when we were in late-night sessions here trying to deal with gasoline lines, trying to deal with shortages of energy, that when that recurs, we will have a crash program to drill the Outer Continental Shelf without any regard to environmental concerns.

I think it would be far better if this were done on an orderly basis. Certainly, we just came through a war, Desert Storm, and part of the reason for that was the oil resources of the Persian Gulf, and understandably because 26 percent of our imports come from that area of the world. That figure was only 7 percent in 1985. It is a continuing-escalating problem. We are close to 50 percent of our oil resources that we consume in the United States being imported.

I think an orderly and environmentally safe development of the Outer Continental Shelf would be a more responsible approach. But I recognize the votes are not there to support that program and, therefore, will not attempt to change the moratoria restrictions we have put in the bill.

I might add that the clean-coal program has been restored. The administration had taken out some of the funding for the fifth round. We put it back in because, if we are to have a total energy program that will meet the needs of the people of this Nation in the years to come, we must use our coal resources. We have one of the most abundant supplies of energy in the world, and it is called coal. We have demonstrated that it can be burned in an environmentally safe way.

We have committed billions of dollars of both public and private funds to the development of clean-coal programs that will allow this to happen.

I think not only will this be of great value to the United States but to the rest of the world. Many countries, particularly in Eastern Europe, and the Soviet Union, have an abundance of coal, and they need this technology. I believe that once clean-coal technology is brought to fruition, as it will with the programs that we support, that there will be a big market around the world for clean-coal technology that will be important to our exports, our balance of payments.

But also, more importantly, it will reduce the impact on the world's air quality. Certainly, you cannot ignore what happens in other parts of the world, since we all have to live on this same planet.

I therefore feel that the clean-coal program is a vital part of our bill.

I am pleased that we are getting an enormously positive response from the private sector. The law requires a 50-percent match. As a practical matter, we are getting a match somewhere in the neighborhood of 60 percent private and 40 percent Federal.

I think that clearly says there is confidence on the part of the private sector that these programs will work. They are willing to put their money into the development of the clean-coal technologies.

I recommend this bill to my colleagues, I think it is a good bill. We worked valiantly with the limited number of dollars we had to try to meet the enormous needs that exist to serve the people of this Nation well, to preserve the resources, to continue to make America beautiful, in fact more beautiful, for future generations.

Mr. Chairman, we benefit from the vision and wisdom of those who in the past have preserved the Yellowstones, the Yosemites, the Central Park in New York City, who have preserved these magnificent resources that we have. We have the responsibility to future generations to give them good stewardship of what those who went before us have given to us. This bill accomplishes that to the greatest extent possible, given the financial constraints that were part of our budget allocation.

Mr. Chairman, I reserve the balance of my time.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in strong support of this bill.

Mr. Chairman, today's approval of the Interior appropriations bill would have important consequences for the San Francisco Bay area. Included in this bill is $4 million to purchase wetlands for the San Francisco Bay National Wildlife Refuge, as well as $1 million for the purchase of Marin Islands, which is also found in the San Francisco Bay.

I would particularly like to thank my colleagues who made this funding possible: the chairman of the Subcommittee on Interior, the gentleman from Illinois, SID YATES, and the distinguished chairman of the full Committee on Appropriations, the gentleman from Mississippi JAMIE WHITTEN. Wetlands provide a unique habitat upon which many species threatened with extinction depend. The funds that we approve today will increase the chances that species such as the California clapper rail, of which fewer than 500 remain, will be able to survive.

The destruction of wetlands in the San Francisco Bay is taking place at an alarming rate, despite increased attempts to end this trend. In purchasing these lands for inclusion in the wildlife refuges of the bay, wetlands can be protected by the most effective means available. By approving these funds today, we will make this strategy possible.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the full Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. I thank the gentleman for yielding.

Mr. Chairman, the chairman of the subcommittee, the gentleman from Illinois [Mr. YATES], and I have served here together on the Committee on Appropriations and on this subcommittee for a long time, and I welcome this chance to compliment him and the other members of the subcommittee, especially the gentleman from Ohio, the ranking minority member [Mr. REGULA], for the great job they have done. It was not easy because of budget limitations which made it impossible to do many things which were sound.

This bill provides investments in America—our public lands, wildlife refuges, fish hatcheries, national parks, and national forests. It provides funds for energy conservation and fossil energy development programs. It provides funds for Indian schools and hospitals. These programs are vital to the development and support of our country, for the only thing behind our currency is our currency.

Mr. Chairman, our paper money is in bad shape, and I want to compliment the chairman of the subcommittee and the other members of the subcommittee for looking after our own country, because it is not what we spend here that causes our problems, but it is is what we spend here that is going to enable us to handle our national financial problems if they are going to to be handled.

Our problems have not arisen from what we have spent on our own country. We have a big country. We have diverse interests. Our country itself is our wealth; thus, it is imperative that we protect, preserve, and develop all our country.

Examples of the national programs for which we have provided funds in this bill that are of special interest to my area and State include funds to continue construction of the Natchez Trace Parkway, the Natchez Historical Park, a Vicksburg park study, the Pvt. John Allen National Fish Hatchery, Marine Minerals Institute, forest research at Stoneville, Starkville, Gulport, and Oxford, magnetohydrodynamics research, and the Choctaw Tribal Department of Education.

Mr. Chairman, as the gentleman from Illinois has stated, this bill contains important programs, similar to these, located all over our country, and I urge it be adopted.

Again, the gentleman from Illinois [Mr. YATES] and from Ohio [Mr. REGULA] and the other members of the subcommittee have done a great job.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MCDADE], the ranking member of the full Committee on Appropriations.

Mr. MCDADE. Mr. Chairman, I rise in strong support of H.R. 2686, the Department of the Interior and related agencies appropriations bill for fiscal year 1992. I take this brief moment to express my appreciation to the distinguished gentleman from Illinois [Mr. YATES] for the terrific job that he has done on this bill, and also to my friend, the gentleman from Ohio [Mr. REGULA]. Both of them have presented a bill that is eminently respectable in taking care of the stewardship of the natural resources of this Nation. It is, I think, one of the most finely crafted and bipartisan bills to come before us.

So, my compliments to the chairman of the subcommittee and its ranking Republican, and to their staffs, for a job very well done.

Mr. Chairman, I hope this bill will pass overwhelmingly.

The bill they drafted is within the 602(b) allocation for both budget authority and outlays.

They were tireless in their open-minded consideration of the proposals put forth by the administration and the requests of the House membership. They were always cognizant of their responsibilities to adequately fund the Department of Interior, the Forest Service, Indian education and health, conservation and research programs of the Energy Department, and a number of arts and cultural programs. This bill touches the lives of nearly every American as it provides for the stewardship of our public lands, responds to our energy needs, preserves our cultural heritage and protects our natural resources.

In considering this appropriation, it should be remembered that the Interior bill, unlike most other appropriations bills, in large part pays for itself through revenues generated by the Interior Department and other agencies represented in the bill. Receipts to the Treasury from timber leases, mineral and oil development, and other programs are estimated to reach over $7.3 billion during the coming fiscal year.

As usual, the programs funded in the Interior bill are not without controversy. The subcommittee had the difficult job of putting together a bill that reflects the will of the House on such heated issues as offshore drilling, mining patents, the threatened spotted owl, the National Endowment for the Arts, and grazing fees. I am confident that the subcommittee's positions will be affirmed by the full House when some of these issues are debated today as amendments.

The subcommittee did somewhat reorder the budget requests put forth by the President, but much of the increase over the administration request was to compensate for ill-advised proposals to cut needed funds for energy conservation, clean coal and fossil energy research activities of the Department of Energy, and Indian health services and facilities.

The administration's objections to the bill are relatively minor. One of the major objections, bill language to prohibit the implementation of the Chief Financial Officers Act of 1990, was removed with passage of an amendment I offered in full committee.

Other items objected to by the administration are the special account for emergency firefighting for the Department of the Interior and the U.S. Forest Service, and reduced funding for the Sport Fish Restoration Program and the North American Wetlands Conservation Fund. I look forward to addressing their concerns as the bill works its way through the process.

I am particularly gratified that the legislation provides for the redesignation of the Tinicum National Environmental Center in Philadelphia as the John Heinz National Wildlife Refuge at Tinicum. This is a fitting tribute to a man who earned a national reputation for his tireless efforts in environmental protection. In particular, he worked to include Tinicum in the national system and drafted the law that established the Tinicum Marsh Wildlife Center.

Senator Heinz was the victim of a tragic aircraft accident last April. The redesignation will be one small way that we can commemorate his environmental achievements and insure that his contributions will not be forgotten.

I urge favorable consideration of H.R. 2686. It is a bill which meets our obligations to our environment and natural and cultural resources and fulfills our mandate for fiscal restraint.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, today's bill includes a provision of great interest to North Carolinians. It appropriates $2.5 million to the National Park Service to expand the Fort Raleigh National Historic Site on Roanoke Island.

Last year, Congress enacted Public Law 101-603 to expand Fort Raleigh by 335 acres. Today, we begin to provide funds to carry out the expansion.

Fort Raleigh and Roanoke Island occupy a special place in the history of North Carolina and our Nation. Here, Sir Walter Raleigh sought to plant an English colony, 25 years before Jamestown. Here, the first child of English parents was born in North America. These events are dramatized each sum-

mer in the play, "The Lost Colony," the oldest outdoor drama in the United States; this production attracts thousands of visitors to Fort Raleigh every year.

Because the property is in a coastal resort area, development pressures are intense. It is critical for Congress to provide sufficient funding swiftly so that we can preserve this special area and protect the existing historic site from incompatible development.

Chairman YATES, I want to say Thank you for responding to my request for funding. This is a significant start. I know how difficult it is for you to find funds for new acquisitions, and I am truly grateful to you and your subcommittee.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE], a member of the Committee on Appropriations.

Mr. KOLBE. Mr. Chairman, last Friday the President signed into law a bill to expand the boundaries of the Saguaro National Monument. Mr. Udall and I, joined by all members of the Arizona delegation, sponsored this important legislation.

There is an urgency to this project. The lands are at risk. The monument is at risk. And, if the NPS acts promptly, the cost of acquisition will be significantly lower. Finally, the landowners are willing sellers.

Although funding is tight this year, I might point out that, according to the National Park Service, Arizona has not had a project funded from the land and water conservation fund in more than 15 years.

I recognize that consideration by the House Appropriations Committee could not be undertaken until the bill was authorized and only after all the necessary and required steps for implementation were followed. Now that we have the necessary authorizing legislation, we urge the National Park Service to review the legislation and make recommendations to Congress as early as possible as to the desired means of acquisition.

It is my understanding that the Senate may consider adding funds for the implementation of the Saguaro National Monument bill. If funds are added, I would ask for the committee's support in conference.

Arizona takes great pride in the effort to protect the Saguaro National Monument, a national ecological treasure.

□ 1640

Mr. AUCOIN. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I rise in support of the bill reported by the Subcommittee on Interior Appropriations. I believe the hard work of the members and staff is reflected in this balanced and responsible legislation. I especially want to thank Chairman YATES for his consideration in including several projects which directly affect my district.

These are basic research programs which will be a good investment of public funds and should ultimately return money to the Treasury.

Our Nation's metal casting industry will benefit greatly from the technology research program funded by this bill. The program has a requirement for matching funds from industry, which in this time of tight Federal funds is a good policy and certainly a litmus test of any group's commitment to a project. In this project the Government, industry and our leading universities will combine their efforts to increase the efficiency and competitiveness of this most basic of industries.

Also included in this bill is a provision for aquaculture research to be performed by the Fish and Wildlife Service. This is a matter of special interest to me because of the rapid growth of the catfish industry in my State. Unlike poultry, livestock or row crops, aquaculture has not benefitted from basic research on genetics, nutrition and disease control. Yet this is our best hope for new sources of protein and is deserving of Federal assistance.

Mr. Chairman, there are two energy-related projects, one involving eastern oil shale and the other involving coal liquefication, which have real potential for lessening our dependence on foreign sources of energy. All of these provisions are good, sound research projects and I urge my colleagues to support both them and the bill as a whole.

Lastly, I am disappointed that the Fire Forces Mobilization Act was not funded for the coming year. This measure has much to recommend it and I hope we can find adequate funding in the near future.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I will not take my full time; however I rise in strong support of the House Interior appropriations bill.

Mr. Chairman, after extensive negotiations and many roadblocks, the citizens of Salamanca, NY are nearing their final hurdle. A 40/40 lease arrangement has been signed by the majority of City and Congressional villages residents. In addition, an agreement has been reached for a $25 million payment by New York State to the Seneca Nation of Indians. Thanks to the Committee on Appropriations—full funding of the Seneca Nation Settlement Act of 1990 was maintained. Passage of the bill firmly establishes the most important piece of this puzzle—Federal payment of $35 million to the Seneca Nation. This corrects Congress's failure to uphold its trust responsibility of nearly one century ago. One time funding is essential. New leases for present residents are binding on the Seneca Nation only after full payment by the Federal government. This payment is included in the bill. Today, we will vote to revive an economically depressed region of the southern tier. The city of Salamanca may now look to the future—one which we hope to be a bright future.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I rise in support of H.R. 2686, the Department of the Interior and Related Agencies appropriations bill for fiscal year 1992. This is the 9 of the 13 annual appropriations bills to be considered by the House.

The bill provides $13.198 billion in discretionary budget authority and $12.042 billion in discretionary outlays, which is $7 million in budget authority and $8 million in estimated outlays below the 602(b) spending subdivisions for this subcommittee.

I want to commend the chairman and the ranking member of the subcommittee for the job they done in adhering to the limits set forth in the budget agreement and the budget resolution.

As chairman of the Budget Committee, I will continue to inform the House of the status of all spending legislation, and will be issuing a "Dear Colleague" on how each appropriations measure compares to the 602(b) subdivisions.

I look forward to working with the Appropriations Committee on its remaining bills.

COMMITTEE ON THE BUDGET,
Washington, DC, June 20, 1991.

DEAR COLLEAGUE: Attached is a fact sheet on H.R. 2686, the Department of the Interior and Related Agencies Appropriations bill for Fiscal Year 1992, scheduled to considered on Monday, June 24, subject to a rule being adopted.

This is the ninth regular fiscal year 1992 appropriations bill to be considered. The bill is $7 million below the discretionary budget authority 602(b) spending subdivision and $8 million below the outlay subdivision.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,
Chairman.

[Fact Sheet]

H.R. 2686, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1992 (H. REPT. 102-116)

The House Appropriations Committee reported the Department of the Interior and Related Agencies Appropriations bill for Fiscal Year 1992 on Wednesday, June 19, 1991. Floor consideration of this bill is scheduled for Monday, June 24, 1991, subject to a rule being adopted.

COMPARISON TO THE 602(b) SUBDIVISION

The bill, as reported, provides $13,198 million of discretionary budget authority and $12,042 million in estimated discretionary outlays, which is $7 million in budget authority and $8 million in estimated outlays below the 602(b) subdivision for this subcommittee. A comparison of the bill with the funding subdivisions follows:

COMPARISON TO DOMESTIC SPENDING ALLOCATION

[In millions of dollars]

	Interior and related agencies appropriations bill		Appropriations Committee 602(b) subdivision		Bill over (+) under (−) committee 602(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	13,198	12,042	13,205	12,050	−7	−8
Mandatory [1]	78	78	78	78		
Total	13,276	12,120	13,283	12,128	−7	−8

[1] Conforms to the Budget Resolution estimates for exisitng law.

Note: BA—New budget authority; O—Estimated outlays.

Following are major program highlights for the Department of the Interior and Related Agencies Appropriations Bill for fiscal year 1992, as reported:

PROGRAM HIGHLIGHTS

[In millions of dollars]

	Budget authority	New outlays
Department of the Interior:		
Bureau of Land Management	910	749
U.S. Fish and Wildlife Service	691	471
National Park Service	1,377	910
Geological Survey	589	560
Office of Surface Mining Reclamation	302	118
Minerals Management Service	208	135
Bureau of Mines	176	114
Bureau of Indian Affairs	1,603	884
Territorial and International Affairs	157	111
Related agencies:		
Forest Service	2,308	1,731
Strategic Petroleum Reserve	266	−72
Energy Conservation	560	137
Fossil Energy R&D	446	178
Naval Petroleum and Oil Shale Reserves	238	143
Indian Health Service	1,728	1,208
Indian Education	78	11
Smithsonian Institution	403	324
National Foundation on the Arts and Humanities	356	132

The House Appropriation Committee reported the Committee's subdivision of budget authority and outlays in House Report 102–81. These subdivisions are consistent with the allocation of spending responsibility to House committees contained in House Report 102–69, the conference report to accompany H. Con. Res. 121, Concurrent Resolution on the Budget for Fiscal Year 1992, as adopted by the Congress on May 22, 1991.

Mr. Speaker, I rise in strong support of H.R. 2686, the fiscal year 1992 Department of Interior and Related Agencies appropriations bill. In particular, I rise in support of the bill's provision to defer offshore oil and gas leasing and related activities off the coast of California for fiscal year 1992.

This provision is consistent with the President's Outer Continental Shelf [OCS] June 26, 1990, policy statement which deferred the California coast from being made available for leasing consideration until after the year 2000, with the exception of 87 tracts in southern California which may be leased after January 1, 1996. Last year Congress established a precedence of legislatively concurring with the President's OCS policy statement by including a similar provision in the fiscal year 1992 Interior appropriations bill. In the absence of authorizing legislation to codity the President's OCS policy, I am very pleased that the committee is continuing this moratoria.

As such, I would like to commend Chairman SIDNEY YATES for including this provision in the committee's fiscal year 1992 bill and, for his invaluable and consistent support for the preservation of the sensitive areas of our Nation's coastline. His insistence on proper stewardship for our coastal resources has brought us to a point where we have achieved long-term protection for the California coast and other sensitive areas. The gentlemen's role in achieving this goal cannot be overstated and I am deeply grateful for his support.

There are other geographic areas that were not addressed by the President's OCS policy statement which are worthy of protection and I am pleased to note that these areas have received similar protections under this bill.

While the President's OCS deferral has given us some much-needed breathing room on this issue, the battle is not over yet. Two particular issues remain of grave concern to me. First, Congress still has the responsibility to codify the President's OCS policy statement into law to ensure that this policy is strictly adhered to by this and future administrations. I will continue my efforts in the Congress to achieve that goal. Second, I, along with many of my colleagues in the California delegation, strongly object to the President's unfair and unjustified targeting of 87 tracts in southern California which may be offered for leasing in 1996. This divide-and-conquer approach to the California coastline is unacceptable and will not be tolerated. Clearly, this area in the Santa Maria Basin and the Santa Barbara Channel warrants the same 10-year delay afforded the rest of the west coast. I am confident, however, that the short-term protection afforded this area will give us the time needed to obtain permanent protection for this important coastal area.

In closing, Mr. Speaker, I would like to again commend Chairman YATES and the members of the committee for their hard work in bringing forth this legislation. I urge my colleagues to support its adoption.

Lastly, Mr. Chairman, I would like to engage the chairman of the subcommittee in a brief colloquy.

Mr. Chairman, I would like to thank the gentleman and the committee members for their tremendous work in bringing forth this legislation. I am acutely aware of the budgetary constraints the gentleman was working under and commend him for completing a difficult job admirably. I would like to engage the gentleman in a colloquy regarding a Forest Service study in the Los Padres National Forest.

Mr. Chairman, is it correct to state that under the funds expended for the operation of the Forest Service in this act, it is expected that the Forest Service will conduct the archeological mapping and survey of the lands within the Los Padres National Forest?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman is correct. Under the funds expended in this act for the operation of the Forest Service, it is expected that the Forest Service will conduct the archeological mapping and survey within the Los Padres National Forest.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for clarifying this matter and again commend him for his excellent work in developing this legislation.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Chairman, I rise today to commend the gentleman from Illinois [Mr. YATES], the ranking Republican member, the gentleman from Ohio [Mr. REGULA], and the members of the Appropriations Subcommittee on the Interior for including a comprehensive moratorium on offshore oil development. Over the last 2 years, Americans have been shocked by the scenes of destruction that have been on their television sets. First the tragic oilspill in Alaska, then the horrible oilspill that occurred in the Persian Gulf war, have shown the American people what kind of damage can be done to the environment when an oilspill occurs.

Mr. Chairman, our coastal ecological system is very fragile, and cannot withstand the kind of damage that an oilspill would cause. The oil development moratorium in this bill will put vital protections for our coastline in place, protections that will benefit every American. I again commend the Interior Committee for its good work, hope that it will continue, and urge my colleagues to support this provision.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. AUCOIN], a distinguished member of our committee.

Mr. AUCOIN. Mr. Chairman, I would like to commend our chairman, Mr. YATES, and the ranking minority member, Mr. REGULA for the fine work they have done in bringing this bill to the floor today.

As former Congressman Mike Kerwin used to say, and as the chairman has often reminded this body, this is truly a bill for all America. And increasingly a bill for all Americans.

From the arts to our spectacular national parks and majestic national forests the public demand for the opportunities which our Interior appropriations bill sustains and enhances continues to grow beyond our fiscal ability to keep pace.

That was the most difficult reality which the members of our committee had to face as we marked up our bill this year. Our committee heard testimony from over 1,100 witnesses, and over 370 Members of Congress, all of whom had worthy requests for additional funding needs. Regrettably, not everyone could be accommodated.

And that is why I am particularly grateful to the chairman and my colleagues on the committee for working with me to address those issues which are absolutely vital to my State of Oregon and the Pacific Northwest.

While this may be a bill for all America, it provides the lifeblood for Oregon and the Northwest. We Oregonians are at the mercy of the Federal land managers who control over half the land base of the State of Oregon. Because of this, Oregonians must rely on those

who watch over and shape policy for those Federal land managers.

And that role is filled in great measure by our Interior Appropriations Committee. I believe it has been with great wisdon and foresight that the committee has met its responsibilities for fiscal year 1992.

We are struggling through a very difficult time in the Pacific Northwest. Our national forests and pubic lands are being managed, essentially, by the Federal courts. Over 8,000 jobs have been already lost in the wood products industry.

Despite this adversity, I am convinced that we are on the right track in bringing about a legislative solution which breaks the gridlock and puts us back on a sound economic and ecological footing.

That is why I am pleased that our bill allows for a balanced timber sale program to go forward in fiscal year 1992 and one that will be sustainable once we get out from under the thumb of the Federal judges.

Our bill lays the foundation for future dividends for the woods products industry by funding initiatives in the areas of value added manufacturing and red alder utilization.

We have provided additional research funding to develop the baseline data we need to support ecological diversity, sensitive species habitat, and the technical data we must have to determine how we can protect these important ecological values and continue supplying timber for community stability and continued employment opportunity.

I believe the committee has exercised great foresight in providing an additional $7.5 million for Columbia River anadromous fish habitat management and, most significantly, an additional $1.8 million to begin implementing habitat improvements which were identified at the recently concluded salmon summit to begin recovery of those Chinook and Coho runs most likely to be listed as threatened or endangered.

And this bill makes great contribution to our cultural, recreational, and environmental resources. We continue the renovation of the historic Crater Lake lodge. We are moving forward with an innovative wetlands acquisition project for the city of Eugene, OR, which has the promise to become a national model of how wetland preservation can work in tandem with economic development. We allow the city of Portland to continue with its wetland inventory. And we provide a spectacular addition to the Oregon Islands National Wildlife Refuge which was of critical interest to the city of Bandon.

Lastly, I am happy to report that, thanks to your help and the work of my colleague, Mr. DICKS, we have once again added language which will provide a revenue floor for those counties in Oregon, Washington, and northern California affected by decisions relating to the spotted owl beyond which receipts which they receive as a result of timber harvests will not fall. We had to change the formula somewhat in response to the concerns expressed by the chairman over revenue losses to the Treasury. But even with a changed formula, we will be saving Oregon counties an additional $27 million over what they would have received if the language were not included in this bill.

In short, Mr. Chairman, this bill provides for sound and balanced stewardship of our public lands, resources, and natural treasures not just for Oregon but for the Nation as well.

This is a good bill, a bipartisan bill in which our disagreements were worked out through accommodation rather than confrontation and I urge my colleagues on both sides of the aisle to give us your support.

□ 1650

Mr. REGULA. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I rise in opposition to the Synar language and this is one of those, "I did not intend to make a speech, speeches". We hear these speeches when Members get their particular ox gored, in this case the 38,000 cowboys who run small, family-owned operations and who make less than $28,000 a year.

Now, what got my dander to the sound-off level is when I tried to point out that most folks involved here are not corporate operations or cattle barons ripping off the public, but again, small family-owned operations, the gentleman from Massachusetts went into a virtual canniption fit of taxpayer concern and mentioned some corporations who benefit from current grazing fee policy.

And then he said some outfit out west had an operation bigger than his whole State. Well, I have a district larger than the State of Virginia, let alone Massachusetts. I have more cows than people—and for the record, I have no grazing on public lands. This is not my parochial issue! I might add that one cowboy with an outfit larger than the State of Massachusetts is doing a better job running his operation than is being done in Massachusetts.

If we are going to revise the grazing fee formula, let's follow the advice of the gentleman from Oregon [Mr. SMITH] and let the House Agriculture Committee work out a compromise. It may well be corporations should not ride and graze the range at public expense, but eliminating the economic livelihood of 38,000 producers in one fell swoop under the Synar banner of reform seems a bit harsh.

So, Mr. Chairman, I rise in opposition to the Synar language to raise the grazing fees on lands managed by the Bureau of Land Management. Aside from the fact this effort is an attempt to authorize changes to the BLM grazing fee formula on an appropriations bill, there are several facts regarding public lands grazing the House needs to be aware of:

As I said, most of the stockmen, 80 percent, grazing livestock on public lands are operators of small, family-owned enterprises. For their operations, most of which make $28,000 or less per year, to be economically viable, they must utilitze public rangelands.

"Why are public grazing fees less than those on private pastures?" The answer is simple. Public land fees do not include amenities. A stockman leasing public lands is responsible for all costs associated with fencing, water improvement, and road maintenance. In addition, these stockmen serve as stewards of public rangeland by investing their resources to control erosion, maintain water sources, used by wildlife as well as their domestic stock, and assist in wildlife and vegetation management efforts.

The BLM's director not the GAO has stated that significant increases in fees would result in a devastating impact on the western States where the ranching areas have historically low base values. More to the point, the fees generated from public grazing are used by hundreds of counties for schools, roads and local efforts to improve rangeland conditions.

BLM grazing programs largely pay their own way through the user fees charged producers. By keeping these fees at reasonable levels, we can ensure that this Nation's rangeland continue to benefit from the hard work and dedication of men and women who depend on public grazing to put food on their families' tables.

Now, just a few short weeks ago, we got into debate as to the merits of a cut in the funding of the General Accounting Office. If we ever had a case that reflected that concern and frustration, this is it. This GAO report and grazing fee review, dated June 11, was made available to minority members, whose constituents future is at stake, just this past Friday and the report is supposed to be the tablet brought down from the mountain on this subject.

We apparently have six people, three from Washington, DC and three from Seattle who have concluded in 18 lines that 38,000 cowboys and their families should find other work and ride off into the sunset.

I tell you what, if there ever was an outfit that deserved the title of Majority Party Tennis Backboard, it is the GAO. You ride with the GAO posse; they ride for the most part, in the direction that the chairman of the committee wants to ride. You want to know about downside risk regarding their 20–20 hindsight observations and they say they can't comment on that. You ask about the law of practical ef-

fect on one hand; they come up with a repeat of the obvious on the other hand. Goodness knows, we need a one-handed GAO analyst with just a little prospective common sense.

And, who rides with this posse and has access to the wanted posters? People crawl out of train wrecks faster than the minority can get access. Not all of the reports by the GAO fall into this category to be sure but too many fall into the category of TV script or fodder for the majority's legislative agenda.

This is not right, and it does the many fine people within GAO a disservice.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I rise to speak in support of the fiscal year 1992 budgets of our Nation's Federal arts agencies and their continued viability. I must begin by expressing my great admiration and respect for the commitment which Chairman YATES, ranking member REGULA, and indeed the entire subcommittee and full committee have shown in protecting and promoting the arts in our Nation. It is in no small measure due to their wisdom that the arts have been able to flourish throughout the country and that the arts and cultural agencies have been able to fundamentally change the country's cultural landscape.

Today the Nation's cultural community is at risk of losing permanently theaters, dance companies, opera companies, and a multitude of arts organizations. Economic downturn and the assault on the arts which took place last year have already begun to take their toll. We are all aware of the realities of a downturn in the economy. But what we must be aware of is the devastating effect which a tightening of resources, pullback of contributions and shrinking Federal percentage has had on the artistic community: 42 percent of nonprofit theatres ended their seasons with operating deficits, while seven theatres, an unusually high number according to the theatre communications group, ceased operations in 1990 due to financial adversity; 24 of 50 dance companies surveyed by Dance/USA posted deficits while six of the Nation's finest companies came dangerously close to the brink of financial disaster this year; 47 percent of recently surveyed opera companies surveyed, had losses; and, of the 40 largest orchestras in the United States, 27 posted operating deficits at the close of the 1989–90 season.

Meanwhile, as a result of last year's reauthorization legislation, five NEA program categories have been eliminated and $12 million shifted from the program discipline grants—money already spread extremely thin—to the States. There have also been severe repercussions at State and local levels and in the philanthropic world.

For the first time in 13 years, State arts appropriations and State per capita spending on the arts have decreased. Due to fiscal woes, State governments are slashing budgets. While arts groups realize that these are difficult times and are willing to carry their load, they have been targeted for disproportionate cuts. Not only in New York, but also in Virginia, Missouri, Massachusetts, Michigan, and other States.

Those who oppose government funding of the arts by alleging that the private sector and private contributions will absorb any pullback or dissolution of Federal and other government funding are simply not in touch with reality. Their argument could not be further from the truth. One corporate representative of the philanthropic community made the point very succinctly: "If the Government feels that the arts are in important priority, we're going to follow suit. If it cuts back, we're also going to think twice." Simply put, where the Federal Government leads, State and local governments and other sectors of the country follow.

The truth of the matter is that these are catalytic and effective funds. For fiscal year 1991, NEA programs grants totaling approximately $122.4 million generated $1.47 billion in nonfederal funds. That is a greater than 10:1 impact and a wallop of an effect.

Mr. Chairman, I would also like to praise the many and fine activities of the NEH and IMS, which, through aid to museums and other humanities organizations, help educate and engage our citizens.

The subcommittee and full committee have wisely taken these factors into account and, while weighing budgetary concerns, have included increases for the Federal arts agencies. This commitment to our national culture is nothing less than a commitment to our Nation's soul. It is through our art and culture that we educate our children, develop the humanity and understanding of all of our citizens, and write the living history of our national heritage.

I urge full support for this bill and for maintainment of funding levels for our Nation's Federal arts agencies.

□ 1700

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, in previous years I have raised some concerns about elements of the bill that related to activities of the Committee on Science, Space, and Technology. I want to rise in support of what the committee has done in these areas this year.

Mr. Chairman, I think the committee has done an excellent job of staying within the authorization levels as reported by the Committee on Science, Space, and Technology last month. There are a few technical places where there are some differences between the authorization and the appropriation, but, in total, in the fossil fuels account the committee is $25 million under the total fossil fuel authorization of $471 million in 1992, and I think the committee deserves to know that we on the Committee on Science, Space, and Technology appreciate your concern with our priorities.

In fact, the appropriation tracks many of the areas that the administration and the Committee on Science, Space, and Technology have established as priorities in conservation and R&D, especially in the electrical vehicle area.

Mr. Chairman, of particular concern, Members may remember last year I spoke about the fact that there had been an earmarking within the metal castings account. This year I see that $3 million is appropriated, but we do properly compete with them under the authorization process within the bill, and I am thankful for that. I think that that moves in the right direction.

Mr. Chairman, I would point out one other thing which I think is very favorable about this bill. The bill is below the level of outlays that would be required to keep it within the balanced budget amendment. Therefore, the balanced budget amendment will not be offered to this bill, since the committee has already brought it below the level that would be seen as appropriate under the balanced budget.

Mr. YATES. Mr. Chairman, I yield 1 minuted to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, I rise today in support of H.R. 2686, especially the energy conservation measures. If this Nation learned one thing from its recent Middle East entanglements, it is that oil is a slippery basis for national security. In that light, I would congratulate Mr. YATES on the energy conservation appropriations which show tremendous forsight and commitment to energy efficiency. Energy conservation is a vital component of any effort to wean this nation from its addiction to foreign oil.

The administration's recent national energy strategy pays homage to energy efficiency. But when it comes to conserving the resources we have and taking concrete steps, it is woefully lacking.

H.R. 2686 would allocate approximately eight times the amount the President has proposed for conservation grants and low-income weatherization. It would provide significantly more funding for institutional conservation programs and other state conservation programs. Most importantly, research and development will not be left out in the cold. The bill au-

thorizes $59 million, or 28 percent, more for conservation R&D than in fiscal year 1991. These funds cover research on energy conservation in buildings, industrial facilities, transportation, and utilities.

As chairman of the Environment Subcommittee and a member of the Energy and Power Subcommittee, I have had a chance to see the wonders of energy efficiency. For example, high-efficiency light bulbs use 75 percent less energy than conventional bulbs. DOE research funding into double glazed windows has yielded a payoff of 6,500 to 1. Not a bad investment. I want to commend Chairmen BROWN, DINGELL, and SHARP for their commitment to energy efficiency as well.

Improving energy efficiency is a vital component of any energy plan. H.R. 2686 recognizes this and I congratulate Mr. YATES for his commitment to energy efficiency.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I want to thank the chairman very much for yielding this time, and congratulate him and the ranking member, the gentleman from Ohio [Mr. REGULA], for a job well done.

Mr. Chairman, I would like to just devote a few seconds to talk about an element of this bill which might be overlooked, and that is the matter of historic preservation. I am advised that some $36 million is recommended for appropriation in this bill for that very important function of historic preservation. That is up $1.5 million from fiscal year 1991.

Historic preservation is not only good for the country, it preserves our traditions, our history, our national patrimony, but it makes very good sense. It is good for the environment, that we do not tear down in order to build up. It makes good sense from the cost effectiveness of preserving America's beautiful scenery and beautiful structures.

Mr. Chairman, I want to thank the gentleman from Illinois [Mr. YATES] for a job well done, on behalf of those who are very much interested in historic preservation, and salute my friend from Ohio [Mr. REGULA] for his consultative work in this area.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the bill, H.R. 2686, making appropriations for the Department of the Interior and related agencies for fiscal year 1992.

I commend the chairman of the subcommittee, Mr. YATES, and the ranking minority member, Mr. REGULA, as well as the subcommittee's fine staff, for producing this fair and balanced bill.

In particular, Mr. Chairman, I would like to thank the subcommittee for including $7 million to continue willing-seller acquisitions within the Sacramento River National Wildlife Refuge.

The $5.15 million that the Congress, with the committee's leadership, has provided thus far has allowed for the acquisition of six tracts totalling 1,865.34 acres. The $7 million recommended by the committee in fiscal year 1992 will permit the acquisition of a large portion of the appraised or optioned parcels, including efforts to continue to the acquisition of the 14,000 acre Parrott Ranch, the largest remaining private parcel in the Sacramento Valley and a great expanse of relatively undisturbed natural habitat.

The acquisition of these parcels will significantly benefit the protection of Federal and State listed endangered, threatened, and candidate species; assist in spawning opportunities for California's most productive anadromous fisheries—7 out of 10 salmon caught off the California coast spawn along the Sacramento River—and, contribute to saving one of the most endangered habitat types in California, the Sacramento River's jungle-like riparian forests were once about 800,000 acres, but today are down to 14,000 acres, or less than 2 percent.

I would also like to thank the chairman of the subcommittee for providing an additional $5 million to the Forest Service to implement the Santini-Burton single family lot acquisition program at Lake Tahoe. The funding provided by the committee will permit the continued purchases of up to 400 highly sensitive and small parcels, which pose a particular threat to continuing decline in water quality at the lake. With the committee's continued leadership, we can sustain public confidence in this program to encourage lot owners to rely on it economically. Otherwise, the pressure will build to overdevelop the lake, and overdevelopment will resume.

We are at a critical time in the efforts to correct the environmental problems at Lake Tahoe. The number of vacant, sensitive lots in private ownership has been dramatically reduced. In 1980, there were more than 8,000 lots that had been identified for acquisition. The inventory is now down to approximately 4,000.

I also thank the subcommittee, in general, for its responsiveness to the many natural resource needs of the State of California. The subcommittee members faced enormous constraints in putting together this bill, and I greatly appreciate the subcommittee's receptiveness to the concerns of those who live in our region of the country.

Mr. Chairman, I urge adoption of the bill.

Mr. SLATTERY. Mr. Chairman, first of all, I want to thank Chairman YATES and his staff for the excellent work they have done on this bill. This bill represents a difficult task and I want to personally commend Chairman YATES and the committee for their efforts.

I specifically would like to speak in support of the funding in this bill which recognizes the importance of native American higher education.

Haskell Indian Junior College, which is one of the only two national colleges for native Amercians in the country and which is located in Lawrence, KS, has an important mission for native Americans across the country.

In the past Haskell has survived severe budgetary setbacks and has provided quality education to native Americans across the country in spite of efforts by the previous administration to shut it down.

I am pleased the Appropriations Committee, under Chairman YATES' leadership realized the importance of adequately funding Haskell, and I am especially pleased the committee agreed to restore $777,000 to Haskell's budget that President Bush had requested be cut.

This funding will bring Haskell's fiscal year 1992 instructional budget to the same level as the 1991 budget. More importantly, it will allow the popular and successful summer school and natural resources programs to continue next year.

Both the Summer School and Natural Resources Program are proven and effective. Cutting these programs, as proposed by the Bush administration, would have been a tragic mistake and posed a severe setback for Haskell.

The sum of $200,000 was approved for necessary program development at Haskell. This funding will help Haskell implement its Vision 2000 plan, a comprehensive blueprint for improving the teaching and library facilities at Haskell so that it will be possible for the school to achieve its goal of offering baccalaureate degrees in elementary education.

The ability to offer teaching degrees is critically important to the native American community given the well documented shortage of native American teachers, particularly on the reservation.

Finally, I would like to commend the committee for including $3 million which would allow Haskell to finance the construction of much-needed on-campus housing. Housing is a top priority for Haskell as overcrowding has become a serious problem.

Haskell has been attempting to deal with a serious housing shortage for several years. The Bureau of Indian Affairs Office of the Inspector General issued reports in 1987 and 1990 which stated that Haskell needed to reduce its on-campus enrollment in order to comply with dormitory occupancy standards.

Thanks to the committee's recommendation providing for construction of a new dormitory, young native Americans will no longer be turned away from the educational opportunities Haskell has to offer.

If self-determination and independence from government are to remain the benchmark of Federal efforts toward native Amercians, then we must do all we can to see that this population has access to quality education. Haskell Indian Junior College provides the tools for such an endeavor.

I am grateful to my colleagues on the Appropriations Committee for recognizing that it would be a tragic mistake to jeopardize the quality of education at the single most important institution of higher learning in the native American community.

I urge my colleagues to support H.R. 2686.

Mr. LOWERY of California. Mr. Chairman, I rise in support of H.R. 2686, the Interior and related agencies appropriations bill for fiscal year 1992 and request permission to revise and extend my remarks. Mr. Chairman, this is a sound bill and I would like to commend Chairman YATES and Mr. REGULA for all their work and leadership in bringing this measure to the floor.

As the chairman of the subcommittee stated earlier this bill is well within all the guidelines as far as budgetary constraints are concerned.

Certainly, the subcommittee had to make some hard decisions to produce a bill within these rigid fiscal standards. I commend the chairman's leadership in crafting a bill that meets these tough standards and also properly addresses the needs of the various agencies and programs funded by this bill.

I am also pleased to note H.R. 2686 contains bill language, consistent with the President's decision with respect to OCS leasing restrictions in areas covered by the President's statement last June. There have been several large strides this past year in developing a comprehensive and reasoned long-term OCS policy for the Nation. A year ago the President released his long-term policy proposal for OCS and earlier this year the Minerals Management Service released a draft proposal of the comprehensive OCS 5-year plan. However, neither of these proposals have been formalized. The moratorium in this bill provides an instrument to ensure we do not lose these positive cautious steps toward protecting our resources and environment.

Again, Mr. Chairman I commend Chairman YATES and the subcommittee staff for their diligence in bringing this fine bill to the floor and urge my colleagues to support it.

Mr. WELDON. Mr. Chairman, I rise today to thank those who have supported me in my efforts to rename Tinicum National Environmental Center in honor of our late colleague John Heinz. In particular, I would like to thank 20 of my Pennsylvania colleagues who joined me in writing to the Subcommittee on Interior Appropriations urging them to include language in the Interior bill that renames Tinicum as the John Heinz Wildlife Refuge at Tinicum. It was through the help of both Mr. MCDADE and Mr. MURTHA that an amendment was offered to the Interior appropriations bill that renames this unique wildlife refuge in Pennsylvania. Finally, I would also like to thank both Mr. YATES and Mr. REGULA for their support in this effort.

Mr. Chairman, I rise today to recognize Senator Heinz's tireless dedication and committment to the environment. Not only was Senator Heinz one of Congress' most innovative environmental thinkers, but he was an active advocate of workable environmental solutions. It is because of his outstanding commitment to the environment that I rise in support today of renaming the Tinicum National Environmental Center in Philadelphia, PA to the John Heinz National Wildlife Refuge at Tinicum.

John Heinz cared passionately about the environment. Among his many environmental achievements was the idea that market forces should be harnessed to work for the environment instead of against it. This idea was transformed into a study titled Project 88, which provided the inspiration for key elements in the landmark clean air legislation which was enacted last year. In addition, the study provided the basis for bills that Senator Heinz introduced to encourage the recycling of motor oil, lead batteries, and newspapers.

Established in 1972, Tinicum National Environmental Center is one of three national urban wildlife refuges. Under the legislation passed by Congress in 1972, authority was given to the Secretary of the Interior to acquire 1,200 acres to establish Tinicum National Environmental Center.

Each year, Tinicum hosts over 47,000 visitors who participate in bird watching, environmental education programs, photography, bicycling, and fishing. In addition, Tinicum is home to 208 avian species and to countless other wildlife species including opossums, brown bats, muskrats, and white tailed deer. Tinicum also serves as an environmental educational resource for the residents of the area and for local teachers and students.

Finally, Mr. Chairman, I urge my colleagues to support the Interior appropriations bill which contains the provision renaming the Tinicum National Environmental Center as the John Heinz Environmental Center at Tinicum. It seems only appropriate to rename this unique wildlife refuge after a truly dedicated environmentalist, and I hope my colleagues will join in support of this fitting tribute.

Mr. BEREUTER. Mr. Chairman, this member would like to take this time to thank the chairman of the Appropriations Subcommittee on the Interior, the gentleman from Illinois [Mr. YATES] and the ranking Republican on that subcommittee, the gentlemen from Ohio [Mr. REGULA] for their interest and concern in the health needs of the Winnebago Indian Tribe of Nebraska. The Winnebago Indian Health Service Hospital is over 50 years old and in dire need of replacement. The chairman and ranking Republican and their staff have taken much time to consider the different problems that the tribe is facing as they work with Indian Health Service to determine the type of health care facility that would best meet the needs of the Winnebago and Omaha Tribes and the other Indian people who reside in northeast Nebraska. This Member appreciates that the subcommittee approved report language that urges the Indian Health Service to work with the Winnebago Tribe to reach consensus on an appropriate health facility for the tribe.

In addition, this Member would like to thank the subcommittee for including report language to earmark $100,000 for an evaluation of the highly effective drug dependency unit at the Winnebago Hospital. This is the only inpatient drug dependency unit for adults in the Indian Health Service System.

Although there are many desperate needs in Indian country, especially in the area of health care, this Member is impressed to see the care and compassion shown by the gentleman from Illinois [Mr. YATES] and the gentlemen from Ohio [Mr. REGULA] as they considered the needs of the Indian people of Nebraska.

Mr. REGULA. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. YATES. Mr. Chairman, I have no further requests for time, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MAZZOLI) having assumed the Chair, Mr. GORDON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER DURING CONSIDERATION OF H.R. 2699, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, FISCAL YEAR 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–129) on the resolution (H. Res. 181) waiving certain points of order during consideration of the bill (H.R. 2699) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes, which was referred to the House Calendar and ordered to be printed.

JOHN SUNUNU—A VICTIM OF POLITICAL CANNIBALISM

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, John Sununu is the victim of political cannibalism.

It happens here in Washington, every once in a while, usually in the heat of summer.

In Rome, they threw Christians to the lions. Our bloodsport today is much more civilized. We feed people like John Sununu to the sharks.

Does it make you sick, Mr. Speaker, to see the compulsive glee that pokes through the masks of self-righteous indignation worn by those throwing stones at the White House chief of staff?

Does the foul stench of envy that permeates each fevered meeting of the bash Sununu cabal fill you with disgust?

Today, the Washington Post ran two stories side by side on page A–5. On the left, reporter Thomas Edsall characterized the Democratic Party as being "unable to develop an agenda backed by strong popular support." Next to this ran the daily Associated Press coverage of the Sununu summer sports. I include these stories for the RECORD.

To me the message of these side by side stories was typical: "If you can't find something nice to say for yourself—malign your neighbor."

There is no nastier side to politics, Mr. Speaker, than what happens when people in this city smell blood. And there is no nastier time for that to happen than when the news is slow, there is a shortage of ideas, and people

have a sense that their constituents are unhappy.

I pray that John Sununu will be able to withstand all of the thousands of cuts and stabs he is receiving at the hands of men less worthy than he.

John Sununu has broken no law. John Sununu has served his President and his country fully and ably—and he has done so at tremendous personal sacrifice, especially financial.

Let the Sununu summer sports end.

THE FIRST SLICE IS OUT OF SUNUNU

(By Wesley Pruden)

George Bush is a nice guy, and he pays the price.

So does John Sununu, and if the governor goes—there is no indication that The Washington Post is even close to winning this vendetta—the president and whoever replaces the governor will continue to pay.

This current episode about Mr. Sununu's travels is not actually about his travels, as everyone in Washington knows, but about The Post's pique and the governor's politics.

Nobody in Washington, where waste was invented, cares how much Mr. Sununu or anyone else spends on airplanes or cars or trains, or even steamships, if his tastes should run to the open sea.

If anyone did, Air Congress, the world's most luxurious airline, would have been shut down years ago. Mr. Sununu is a rustic stay-at-home compared with any one of a dozen congressmen who give new meaning to the term "frequent flier." The Air Force has put lots of wear and tear on its planes hauling Les Aspin's girlfriend around the country, for example, and while this may or may not lift the lucky Mr. Aspin's spirits, it doesn't do much for the rest of us.

Dozens of congressmen signed up this year for free rides to the Paris Air Show, many with indulged spouses and spoiled children, and they might be there yet, ordering $25 pickled-herring sandwiches from room service for delivery to $300-a-night suites at the Meriden Hotel, if this newspaper had not reported the looting.

None of this is of any interest to The Post, naturally, because it's not chicanery they're after, but George Bush. The Post was mightily angry when the first round of cannonading at Mr. Sununu began, and instead of congressional Democrats piling on, as expected, the courageous and principled congressmen, with Air Congress suddenly under scrutiny here, ran like the Yankees at First Manassas.

The president knows that Mr. Sununu did nothing bad, or even wrong, when he went to a stamp show in New York City in his government car. He understands that's why the chief of staff has a government car. But The Post, ever mindful of the resentments and frustrations of a constituency that may not live long enough to see another Democratic president, imagines it can portray taking a ride in a government car, which would otherwise be idling in the driveway waiting for Mr. Sununu's return, as the greatest crime since Teapot Dome.

Mr. Sununu makes the argument, which sounds sensible to most of us, that his government travel arrangements to New York were necessary because he must have access to immediate, secure communications with the White House.

"That whole morning I was on the phone constantly to Cabinet members, House and Senate members, White House staff," he says of his drive to New York.

Mr. Bush's weakness is that he's an earnest believer in the Sunday-school maxim that if you treat a fellow right, he'll treat you right.

Washington, alas, ain't Sunday school. What President Bush is looking at is the Great Washington Media Baloney-Slicing Machine, which destroys one minuscule cut at a time. The headline and lead paragraphs of The Post's Page One story reporting how angry the president was at Mr. Sununu was littered with weasel qualifiers like "said to be," "reportedly," "sources said," "apparently," and "believed to," which is the aroma of baloney suddenly in the sun.

The only way Mr. Bush can stop this is to tell The Post to shut up, and hunker down. The capital graveyards are full of Republicans who lie beneath headstones inscribed: "Here lies a fool, who thought amiable reason would appease The Post." (Apologies to R. Kipling.)

Otherwise the attack on John Sununu (and whoever succeeds him) will happen again and again. Someone will see him use a quarter in a pay phone that looks a lot like the quarter that someone thinks he saw in the petty cash drawer, and it won't matter that he's using the quarter to call the fire department to put out the fire at the orphanage for homeless Third World crippled children. The attack will only intensify.

[From the Washington Post, June 24, 1991]

SUNUNU BASHED

(By Rowland Evans and Robert Novak)

A new wave of bashing that has left an exhausted and bitter John Sununu provides a case study of how Washington operates and where George Bush is vulnerable.

It would seem ludicrous in imperial Washington that an unglamorous limousine ride to New York City would bring the White House chief of staff to a point where a close political associate privately refers to him as an "albatross" around President Bush's neck. The reason lies in Sununu's style and ideology.

After yet another transportation flap involving a trip to Chicago, Sununu over the weekend issued his first partial admission of error. But more than travel regulations are at issue.

Sununu's day off would not have produced week-long front page stories in the nation's great newspapers had it not been for Bush's ambiguity. Although no other subordinate is so critical to the administration's domestic program, the president could not bring himself to give Sununu a totally clean bill of health but instead mused about the need to keep up "appearances."

Actually, concern for appearances shaped Sununu's latest mode of travel. During the previous transportation furor, aides say Bush was most concerned by the chief of staff's use of military aircraft to attend political events. It was decided that like many congressmen, he would use corporate jets for such events—including a pending Republican fund-raiser in New Jersey.

Sununu, an inveterate hobbyist who unlike other Washington power brokers is not consumed by affairs of state, told the president that former Delaware governor Pete du Pont's rare German Zepelin stamps were being sold in Manhattan and that he was tempted to drop by before the Jersey event. Bush urged Sununu to take the day off.

It was then Sununu made two mistakes based on hubris and self-confidence. First, he turned down a colleagues's advice to ride the Amtrak Metroliner to Manhattan, with news media filming his departure. "That would be a concession I should not make," he said. He took a White House limo instead, insisting he should have 24-hour secure communications access to the president. Second, after News-week reported the trip, Sununu went on ABC's David Brinkley program.

Even after Sam Donaldson's blistering, Sununu did not envision the fire-storm. Nor did Republican political wise man Charley Black, who was called on for advice. Why in fact the stamp-buying trip devastated Sununu is more interesting than the trivial incident itself.

The deluge confirmed Sununu's view that The Washington Post is out to get him for non-cooperation. What makes him so discouraged, he tells friends, is that he feels the rest of the news media follow the leader. White House aides most supportive of him see a media vendetta seeking to get even for both Sununu's contemptuous treatment and his ideology.

There is no question Sununu's right-wing views have built a coalition against him never arrayed against James Baker, Howard Baker, Kenneth Duberstein or even Donald Regan. He has antagonized the civil rights, environmental and school lobbies. Perhaps most important is Sununu's suspicion that attacks from sources that might be expected in his corner have come because he is a second-generation Lebanese-American who is not fully supportive of Israel's demands on the United States.

But ideology does not explain all. Sununu has tromped on so many toes the past 2½ years that any petty indiscretion is widely welcomed. He can count on vengeful associates to disclose details of a day off in Manhattan. Even conservatives who ought to be in his cheering section are muted.

Consider one congressman and one administration official, staunch ideological allies who have been engaged in nasty personal confrontations with Sununu. Although the congressman views Sununu as "an instinctive conservative there to remind Bush when he gets off the reservation as no one else would or could," he adds "there is a limit to how dumb a man can be." The administration official regards Sununu as "indispensable to everything we are working for" but cannot forget his hard feelings over personal conflicts.

One colleague who never has exchanged an unpleasant word with Sununu is George Bush. But what transformed the New York incident into a crisis is the perception of incomplete support from the president, who declared "nobody likes the appearance of impropriety." Naturally, the news media reported this and played down presidential comments that "I back him up on this" and critics are "piling on."

Bush uses Richard Nixon as a presidential model, including deployment of hard-nosed chief of staff. But while Nixon defended H.R. Haldeman at his own cost, Bush is seen moving toward possible willingness to throw Sununu over-board if need be for the sake of appearances. In an environment where players constantly seek signs of weakness in their adversaries, that is duly noted.

[From the Washington Times, June 24, 1991]

HOW THE DRIVING GAME IS PLAYED

(By Patrick Buchanan)

Last week, two friends, walking by the White House, were held up by police as a quarter-mile-long motorcade roared out of the main driveway onto Pennsylvania Avenue, police sirens blaring.

Mused one, "Must be Sununu going to lunch."

"George Bush has taken up jogging again," jokes late night comic Jay Leno, "Sununu's taken his car."

There is blood in the water here. Regular mention in Jay Leno or Johnny Carson's monologue means big trouble. The next (often final) scene for an appointed official is the appearance, at 6 a.m., at the end of the driveway, of the "death watch"— a camera crew set up for a shot of the soon-to-be-deceased, as he departs for work. Few survive after a death watch begins.

Why is Mr. Sununu in trouble? In part, because he has asked for it.

After those 70 or 80 trips on military jets surfaced in the press, unsettling President Bush, John Sununu should have realized he was cut and bleeding, and the sharks had a scent. Using a White House car to drive to New York, on a weekday, to make $5,000 in buys for a stamp collection, opened a major artery, persuading the sharks to go in for the kill. As for soliciting corporations for company jets to fly him to speaking engagements, well, that borders on the suicidal. (Mr. Sununu admitted Saturday that "some mistakes were made" regarding his travels and he would now pay more attention to the rules.)

One more deep cut, and Mr. Sununu becomes a liability Democrats will exploit in 1992. His enemies who are legion, and Mr. Bush's friends who are looking to better the Nixon and Reagan 49-state landslides, will move. At which point, Mr. Sununu belongs to the ages.

That would be regrettable, because John Sununu has not only been a portrait in loyalty, he has been an excellent White House chief of staff.

The loyalty was exhibited early on when the New Hampshire governor stomped up to a closed TV station, the Saturday before the Tuesday primary, demanding it open its doors and run a weekend of new attack ads on Bob Dole's tax stand that guaranteed a big win and the Republican presidential nomination for Mr. Bush.

No one but Barbara Bush did more to make George Bush president.

Together with the president, John Sununu has made this White House a place where, until recently, the back-stabbing leak was an uncommon event. That Mr. Bush has defied predictions and emerged with an approval rating Dwight Eisenhower or John Kennedy would have envied is in part a tribute to the engineer who runs his staff.

Mr. Sununu, however, shares several attitudes and attributes with his predecessors H.R. Haldeman and Donald T. Regan. First is total loyalty to the man he serves. Second is that he refuses to feed the press those delicious scraps that fall from the Oval Office and Cabinet tables. Third, he relishes the role of tough customer, does not take pains to make himself popular, and engages from time to time in that most dangerous of local sports, press-baiting.

But an unfed press is an unhappy press; and those who keep it unfed ought to make certain they do not come within biting distance of the beasts. In conversation with The Washington Times' Paul Bedard, three colleagues admitted they would like to take Mr. Sununu out: "I'd like to get that fat—." said one affectionately.

Is the press being neutral, objective and fair? Of course not. Journalists are human beings, too. They take care of those who take care of them, and they take care of those who do not take care of them.

Illinois Rep. Dan Rostenkowski, for example, is one of the best-liked men in Washington. The morning we read of John Sununu's $300 car ride to New York, it was revealed that Danny had raked in—in 1990 alone—$310,000 in speaking fees. Though he gave nine-tenths to charity—(Are the Catholics building a St. Danny's Cathedral in Chicago?)—no one is on Mr. Rostenkowski's case. Nor were they on Pennsylvania Rep. Bill Gray's case, who reported $60,000 in speaking fees, four trips to the Caribbean at taxpayers' expense, and four more to Florida.

Danny Rostenkowski is part of the permanent city; and the media know there is nothing they can do. He is, after all, elected. But if the press can make Mr. Sununu into an albatross—as they did Earl Butz, Bert Lance, Jim Watt and Don Regan—to the Oval Office, they can take him out. That's the game now.

Another sign Mr. Sununu has begun to bleed is the White House mice, silent for two years, have begun squealing to the press. Mr. Sununu's decision to run a frugal White House—not conferring the high salaries, fancy titles and White House mess privileges on all speechwriters, for example—may be coming back to bite him.

One aide told The Washington Post that Mr. Bush himself was "upset, angry and perplexed" over the stamp-collecting expedition. As that is the kind of leak that enrages a president, unless he wants it leaked, this does not bode well.

My own hope is that Mr. Sununu survives. First, because his lapses in judgment do not justify the capital punishment this city imposes on politicians it does not like. Second, because the press is indeed "piling on," as Mr. Bush says. (Sometimes you have to root for the bull to unhorse and gore a few picadors). Third, whenever the press brands someone arrogant, obnoxious and snooty, usually the fellow has let the press know of his contempt. Folks who do that are often the gutsiest and most interesting people in a city that demands obeisance and conformity, especially of its new arrivals.

But were I Big Bad John, I would cancel most speeches, back out of all those presidential photos, fly American or Delta, and if there is a stamp auction, take Trailways or Greyhound, and leave the driving to us.

□ 1710

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Florida?

There was no objection.

H.R. 2730, PENSION ACCESS AND SIMPLIFICATION ACT OF 1991

The Speaker pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing a very important piece of legislation, H.R. 2730, the Pension Access and Simplification Act of 1991. This bill is designed to address a major problem that we face in the delivery of adequate retirement benefits to America's workers. The rules have become so complex that employers—particularly small employers—are discouraged from establishing and maintaining qualified pension plans for their employees.

The Pension Access and Simplification Act addresses this problem by establishing a simplified retirement plan designed specifically for small business. This bill would allow small employers to set up a plan that encourages employees to take an active role in saving for their retirement without imposing on the employer the significant administrative costs generally associated with pension plans. In addition, the bill would maintain the underlying policy goal of assuring that all employees, and not just highly compensated employees, have adequate retirement benefits when they retire.

The bill would expand access to qualified pension plans by permitting State and local governments and tax-exempt organizations to maintain qualified cash or deferred arrangements [404(k) plans] for their employees.

In addition to improving access to qualified pension plans, the Pension Access and Simplification Act would significantly simplify the Federal rules applicable to qualified pension plans. These provisions not only would reduce the administrative burdens on employers who maintain qualified plans, but they also would reduce complexity faced by individual taxpayers. The provisions of the bill that simplify the rules relating to the taxation of distributions from qualified pension plans would benefit the 16 million individual taxpayers who currently receive benefits from such plans, as well as those who will receive benefits in the future.

Mr. Speaker, I am fully committed to the pay-as-you-go financing requirements enacted in last year's budget agreement. Thus, it is my intention to ensure that any simplification bill or, for that matter, any bill that is reported by the Committee on Ways and Means will not increase the Federal budget deficit. I have worked hard to make sure that this bill satisfies that requirement. Difficult decisions were required to ensure that the bill does not lose revenue over the budget period or in any year of the budget period. The Pension Access and Simplification Act would accomplish the goals of improving access to qualified pension plans and simplifying the rules relating to these plans in a manner that does not violate the pay-as-you-go requirements of last year's budget agreement.

Mr. Speaker, as with any revenue-neutral simplification effort, there will be winners and losers under this bill. Some people will criticize this bill because they are being asked to finance increased pension access and simplification. But, Mr. Speaker, in order to achieve significant simplification in this area, we must be ready to make the tough decisions. This bill will test the resolve of those who say they are committed to simplification of our Nation's private pension system.

Mr. Speaker, the Pension Access and Simplification Act will take a major step toward the simplification and rationalization of our private pension system. I have asked the Subcommittee on Select Revenue Measures to hold hearings on this bill next month. I hope that we will receive useful input from employers and practitioners who are forced to deal with

the many layers of Federal regulation of pension plans on a daily basis.

For the record, I am including the following summary and technical explanation of the provisions of H.R. 2730, the Pension Access and Simplification Act.

SUMMARY OF THE PENSION ACCESS AND SIMPLIFICATION ACT OF 1991

I. SIMPLIFIED DISTRIBUTION RULES

1. Liberalization of rollover rules—The bill would allow an employee or surviving spouse to roll over any portion of a distribution he or she receives from a qualified retirement plan, unless the distribution is (1) a minimum distribution required under the Internal Revenue Code or (2) part of a stream of annuity payments payable over a period of 5 years or more, or over the life (or life expectancy) of the employee or the joint lives (or joint life expectancies) of the employee and his or her beneficiary.

2. Repeal of rules for lump-sum and other distributions that are no longer necessary—The bill would repeal (1) 5-year forward income averaging for lump-sum distributions, (2) the $5,000 death benefit exclusion, and (3) the exclusion of net unrealized appreciation of employer securities. These rules would no longer be necessary because of the liberalization of the rollover rules under the bill. Effective in 1993, the bill would also repeal the grandfather rule under the Tax Reform Act of 1986 that allowed certain individuals to elect 5- or 10-year averaging. Under a special transition rule, taxpayers could elect to apply the grandfather rule with respect to 50 percent of a lump-sum distribution received in 1992. The other 50 percent would be subject to the new rules under the bill and could, for example, be rolled over tax free under the rollover provisions of the bill.

3. Simplified basis recovery rules—The bill would provide a simplified rule under which employees can determine the portion of a pension distribution that represents nontaxable return of basis.

4. Elective trustee-to-trustee transfers—The bill would require plans to allow participants to elect to have distributions transferred directly to another qualified plan rather than receiving the distribution themselves. To give employers sufficient time to implement this rule, the requirement would not take effect until 1993.

II. INCREASED ACCESS TO PENSIONS

1. Simplified salary reduction plan for small employers—The bill would establish a new simplified retirement program for employees of small businesses. Employers with 100 or fewer employees and no other retirement plan would be relieved from testing for nondiscrimination if they make a base contribution of 3 percent of pay (up to $100,000) for each eligible employee, (Employers who terminate another plan to establish a simplified plan would be required to contribute 5 percent of pay). Employees could elect to contribute additional amounts to the plan up to $5,000 on a pre-tax basis. Also, employers could match up to 50 percent of each employee's contribution. These programs would be available to qualifying private employers, State and local governments, and tax-exempt organizations.

2. Cash or deferred arrangements for State and local governments and tax-exempt employers—The bill would make cash or deferred arrangements available to tax-exempt employers beginning in 1992, and to State and local governments beginning in 1995.

3. Preapproved master and prototype plans—The bill would permit the Internal Revenue Service to prescribe rules defining the duties and responsibilities of sponsors of preapproved master and prototype retirement plans. These plans can be adopted by employers to relieve them of the burden of keeping abreast of changes in retirment plan law and amending their plans to conform with such changes.

III. MISCELLANEOUS SIMPLIFICATION

1. Simplified definition of leased employee—The bill would narrow the application of the employee leasing rule by repealing the present-law "historically performed" test and replacing it with a "direction or control" test.

2. Simplified testing for section 401(k) plans.—The bill would replace the present-law two-prong nondiscrimination test for elective contributions under cash or deferred arrangement with a single test that would be applied at the beginning of each year. Under the test, each highly compensated employee could defer up to 200 percent of the average deferral percentage of eligible nonhighly compensated employees for the prior year. A similar rule would apply to employer matching and employee after-tax contributions.

3. Simplified definition of highly compensated employee—The bill would narrow the definition of highly compensated employee by defining a highly compensated employee as someone who makes more than $65,000 (indexed) or is a 5 percent owner. The bill would also eliminate the family aggregation rules for employees who are not 5 percent owners and would reduce the number of family members that must be aggregated.

4. Timely publication of cost-of-living adjustments—The bill would require that the cost-of-living increases to qualified plan dollar limits be published before the beginning of the plan year, and that such limits be rounded to the nearest $1,000 or $100.

5. Elimination of half-year requirements—The bill would change the rules under present law that are keyed to ages 59½ and 70½ to ages 59 and 70, respectively.

6. Conform plans covering self-employed individuals—The bill would conform most of the rules governing Keogh plans to those applicable to other qualified plans.

7. Establish alternative full funding limitation—The bill would permit certain employers to elect an alternative full funding limitation with respect to any defined benefit plan based solely on the accrued liability under the plan. The Secretary would be required to adjust the 150-percent of current liability full funding limit for other plans so than the provision is revenue neutral.

8. Permit distributions after age 59 from rural cooperative plans—The bill would conform the rules for distributions from cash or deferred arrangements by providing that a rural cooperative plan that includes a qualified cash or deferred arrangement will not be disqualified merely by reason of a distribution to a participant after the attainment of age 59.

9. Allow separate nondiscrimination testing for nonunion air pilots—The bill would treat certain nonunion air pilots as a separate class of employees for nondiscrimination testing purposes.

10. Conform vesting schedules of multiemployer plans—The bill would require multiemployer plans to comply with the vesting schedules applicable to other qualified plans, by eliminating the special 10-year cliff vesting schedule available to such plans under present law. This provision would apply to plan years beginning after the expiration of the collective bargaining agreement pursuant to which the plan is maintained, but not later than the 1994 plan year.

11. Expanded definition of retirement age—The bill would provide that the social security retirement age (not age 65) is generally the maximum normal retirement age.

IV. EFFECTIVE DATE

Except as otherwise indicated above, the provisions of the bill generally would be effective for years beginning after December 31, 1991.

TECHNICAL EXPLANATION OF THE BILL

A. Title I—Simplified Distribution Rules (secs. 101–103 of the bill and secs. 72, 101(b), 401, 402, and 403 of the Code):

PRESENT LAW

In general

Under present law, a distribution of benefits from a tax-favored retirement arrangement generally is includible in gross income in the year it is paid or distributed under the rules relating to the taxation of annuities. A tax-favored retirement arrangement includes (1) a qualified pension plan (sec. 401(a)), (2) a qualified annuity plan (sec. 403(a)) and (3) a tax-sheltered annuity (sec. 403(b)). Special rules apply in the case of lump-sum distributions from a qualified plan, distributions that are rolled over to an individual retirement arrangement (IRA), distributions of employer securities, and employer-provided death benefits.

Rollovers

Under present law, a total or partial distribution of the balance to the credit of an employee under a qualified plan, a qualified annuity plan, or a tax-sheltered annuity may, under certain conditions, be rolled over tax free to an IRA or another qualified plan or annuity (secs. 402(a), (403(a), and 403(b)). A rollover of a partial distribution is permitted if (1) the distribution equals at least 50 percent of the balance to the credit of the employee, (2) the distribution is not one of a series of periodic payments, (3) the distribution is made on account of death, disability, or separation from service, and (4) the employee elects rollover treatment. A partial distribution may only be rolled over to an IRA and not to another qualified plan.

The maximum amount of a distribution that can be rolled over is the amount of the distribution that would otherwise be taxable. That is, after-tax employee contributions cannot be rolled over. In addition, minimum required distributions (sec. 401(a)(9)) may not be rolled over. The rollover must be made within 60 days after the distribution is received.

Lump-sum distributions

Under present law, lump-sum distributions from qualified plans and annuities are eligible for special 5-year forward income averaging (sec. 402(e)). In general, a lump-sum distribution is a distribution within one taxable year of the balance to the credit of an employee which becomes payable to the recipient (1) on account of the death of the employee, (2) after the employee attains age 59½, (3) on account of the employee's separation from service, or (4) in the case of self-employed individuals, on account of disability. In addition, a distribution is treated as a lump-sum distribution only if the employee has been a participant in the plan for at least 5 years before the year of the distribution. Lump-sum treatment is not available for distributions from tax-sheltered annuity contracts (sec. 403(b)).

A taxpayer is permitted to make an election with respect to a lump-sum distribution received on or after the employee attains age 59½ to use 5-year forward income averaging

under the tax rates in effect for the taxable year in which the distribution is made. However, only one such election on or after age 59½ may be made with respect to any employee.

Special transition rules adopted in the Tax Reform Act of 1986 are available with respect to an employee who attained age 50 before January 1, 1986. Under these rules, an individual, trust, or estate may elect to use 5-year forward averaging (using present-law tax rates) or 10-year forward income averaging (using the tax rates in effect prior to the Tax Reform Act of 1986) with regard to a single lump-sum distribution, without regard to whether the employee has attained age 59½. In addition, an individual, trust, or estate receiving a lump-sum distribution with respect to such employee may elect to retain the capital gains character of the pre-1974 portion of the lump-sum distribution (using a tax rate of 20 percent).

Net unrealized appreciation

Under present law, a taxpayer is not required to include in gross income amounts received in the form of a lump-sum distribution to the extent that the amounts are attributable to net unrealized appreciation in employer securities (sec. 402(a)). Such unrealized appreciation is includible in gross income when the securities are sold or exchanged. The special treatment of net unrealized appreciation applies only if a valid lump-sum distribution election is made, but disregarding the 5 plan years of participation requirement for lump-sum distributions.

In addition, gross income does not include net unrealized appreciation on employer securities attributable to employee contributions, regardless of whether the securities are received in a lump-sum distribution. Such appreciation is includible in income when the securities are disposed of.

Employer-provided death benefits

Under present law, the beneficiary or estate of a deceased employee generally can exclude up to $5,000 in benefits paid by or on behalf of an employer by reason of the employee's death (sec. 101(b)).

Recovery of basis

Qualified plan distributions other than lump-sum distributions generally are includible in gross income in the year they are paid or distributed under the rules relating to taxation of annuities (sec. 402). Amounts received as an annuity generally are includible in income in the year received, except to the extent they represent the return of the recipient's investment in the contract (i.e., basis) (sec. 72). Under present law, a pro-rata basis recovery rule generally applies, so that the portion of any annuity payment that represents nontaxable return of basis is determined by applying an exclusion ratio equal to the employee's total investment in the contract divided by the total expected payments over the term of the annuity. The total expected payments depends on the form of the payment, e.g., a single-life annuity, an annuity with payments guaranteed for a specified number of years, or a joint and survivor annuity. For example, if benefits are paid in the form of an annuity during the life of the employee, the expected payments are calculated by multiplying the annual payment amount by the employee's life expectancy on the annuity starting date. If benefits are paid in the form of a joint and survivor annuity, then the total expected return depends on the life expectancies of both the primary annuitant and the person who is to receive the survivor annuity. The IRS has issued tables of life expectancies that are used to calculate expected returns.

Under a simplified alternative method provided by the Internal Revenue Service (IRS) (Notice 88-118) for payments from or under qualified retirement arrangements, the taxable portion of qualifying annuity payments is determined under a simplified exclusion ratio method. Under the simplified method, the portion of each annuity payment that represents nontaxable return of basis is equal to the employee's total investment in the contract (including the $5,000 death benefit exclusion under section 101(b), to the extent applicable), divided by the number of anticipated payments listed in a table published by the IRS. The number of anticipated payments listed in the table is based on the employee's age on the annuity starting date. The simplified method is available if (1) the annuity payments depend on the life expectancy of the recipient (or the joint lives of the recipient and his or her beneficiary), and (2) the recipient is less than age 75 on the annuity starting date or there are fewer than 5 years of guaranteed payments under the annuity.

Under both the pro rata and simplified alternative methods, in no event will the total amount excluded from income as nontaxable return of basis be greater than the recipient's total investment in the contract.

REASONS FOR CHANGE

In almost all cases, the burden of determining the extent to which and how a distribution from a qualified plan, tax-sheltered annuity, or IRA is taxed rests with the individual receiving the distribution. Under present law, this task can be burdensome. Among other things, the taxpayer must consider (1) whether special tax rules (e.g., 5- or 10-year income averaging or the special treatment of net unrealized appreciation) apply that reduce the tax that otherwise would be paid, (2) whether the distribution is eligible to be rolled over to another qualified plan, tax-sheltered annuity, or IRA, (3) the amount of the taxpayer's basis in the plan, annuity, or IRA and the rate at which such basis is to be recovered, and (4) whether or not a portion of the distribution is excludable from income as a death benefit. Simplifying these rules could benefit as many as 16 million individual taxpayers.

The number of special rules for taxing pension distributions makes it difficult for taxpayers to determine which method is best for them and also increases the likelihood of error. In addition, the specifics of each of the rules create complexity. For example, the present-law rules for determining the rate at which a participant's basis in a qualified plan is recovered often entail calculations that the average participant has difficulty performing. These rules require a fairly precise estimate of the period over which benefits are expected to be paid. The IRS publication on taxation of pension distributions (Publication 939) contains over 60 pages of actuarial tables used to determine total expected payments.

The complexity of the restrictions on rollovers under present law (e.g., the 60-day rule) lead to numerous inadvertent failures to satisfy the rollover requirements. The rules relating to net unrealized appreciation in employer securities create recordkeeping and basis-tracking problems for participants and the IRS and treat distributions of employer securities more favorably than other distributions from qualified plans.

Results similar to those under present law can be obtained without the complexity added by the special tax rules of present law. For example, liberalization of the rollover rules will increase the flexibility of taxpayers in determining the timing of the income inclusion of pension distributions and eliminate the need for special rules such as 5- and 10-year averaging and the special rules for unrealized appreciation on employer securities.

EXPLANATION OF PROVISIONS

In general

The bill expands the circumstances in which a distribution may be rolled over tax free and, in conjunction with such expansion, repeals 5- and 10-year averaging for lump-sum distributions from qualified plans, the special rules for unrealized appreciation in employer securities, and the $5,000 death benefit exclusion. The bill also simplifies the basis recovery rules applicable to distributions from qualified plans and requires that qualified plans give participants the option of having a distribution transferred directly to an IRA.

Rollovers

Under the bill, any portion of any distribution to the employee or the surviving spouse of the employee (other than a minimum required distribution (sec. 401(a)(9)) may be rolled over tax free to an IRA or another qualified plan or annuity, unless the distribution is part of a series of substantially equal payments made (1) over the life (or life expectancy) of the participant or the joint lives (or joint life expectancies) of the participant and his or her beneficiary, or (2) over a specified period of 5 years or more. The present-law prohibition on rolling over employee contributions is retained due to recordkeeping concerns.

Lump-sum distributions

The bill repeals the general 5-year forward averaging rule, as well as the transition rules under the Tax Reform Act of 1986 relating to 5- and 10-year averaging and capital gains treatment.

Net unrealized appreciation

The bill also repeals the exclusion from income of net unrealized appreciation of employer securities. Distributions of employer securities are taxed the same as other distributions.

Employer-provided death benefits

Under the bill, the exclusion from gross income of up to $5,000 in employer-provided death benefits is repealed.

Recovery of basis

Under the bill, the portion of an annuity distribution from a qualified retirement plan, qualified annuity, or tax-sheltered annuity that represents nontaxable return of basis generally is determined under a method similar to the present-law simplified alternative method provided by the Internal Revenue Service. Under the simplified method provided in the bill, the portion of each annuity payment that represents nontaxable return of basis generally is equal to the employee's total investment in the contract as of the annuity starting date, divided by the number of anticipated payments determined by reference to the age of the participant listed in the table set forth in the bill. The number of anticipated payments listed in the table is based on the employee's age on the annuity starting date. If the number of payments is fixed under the terms of the annuity, that number is to be used instead of the number of anticipated payments listed in the table.

The simplified method does not apply if the primary annuitant has attained age 75 on the annuity starting date unless there are fewer than 5 years of guaranteed payments

under the annuity. If in connection with commencement of annuity payments, the recipient receives a lump-sum payment that is not part of the annuity stream, such payment is taxable under the rules relating to annuities (sec. 72) as if received before the annuity starting date, and the investment in the contract used to calculate the simplified exclusion ratio for the annuity payments is reduced by the amount of the payment. As under present law, in no event will the total amount excluded from income as nontaxable return of basis be greater than the recipient's total investment in the contract.

Direct transfers to IRAs or other eligible transferee plans

Under the bill, a qualified retirement or annuity plan must permit participants to elect to have any distribution that is eligible for rollover treatment transferred directly to an eligible transferee plan specified by the participant. An eligible transferee plan is an IRA, a qualified retirement plan, or a qualified annuity plan (sec. 403(a)). Amounts transferred to an eligible transferee plan are includible in income when distributed from the transferee plan in accordance with the rules applicable to that plan.

Before making an eligible rollover distribution, the plan administrator is required to provide a written explanation to the participant of the direct transfer option. When making a distribution not in the form of a direct transfer, the administrator must provide a written explanation of the 60-day rollover limitation period.

EFFECTIVE DATE

The provisions are generally effective for years beginning after December 31, 1991.

The grandfather rules under the Tax Reform Act of 1986 and the present-law 5-year averaging provision apply to 50 percent of any lump-sum distribution received in taxable years beginning in 1992. The other 50 percent of such a distribution is subject to the rules of the bill regarding taxation of distributions and may, for example, be rolled over tax free under the rollover provisions of the bill. The repeal of the grandfather rules under the Tax Reform Act of 1986 applies to amounts distributed in a taxable year beginning after December 31, 1992.

The provision relating to trustee-to-trustee transfers is effective for years beginning after December 31, 1992.

B. Title II—Increased Access to Pension Plans:

1. Simplified salary reduction arrangements for small employers (sec. 201 of the bill and sec. 408(k)(6) of the Code)

PRESENT LAW

Under present law, certain employers (other than tax-exempt and governmental employers) can establish a simplified employee pension (SEP) for the benefit of their employees under which the employees can elect to have contributions made to the SEP or to receive the contributions in cash (sec. 408(k)(6)). If an employee elects to have contributions made on the employee's behalf to the SEP, the contribution is not treated as having been distributed or made available to the employee. In addition, the contribution is not treated as an employee contribution merely because the SEP provides the employee with such an election. Therefore, an employee is not required to include in income currently the amounts the employee elects to have contributed to the SEP. Elective deferrals under a SEP are to be treated in the same manner as elective deferrals under a qualified cash or deferred arrangement and, thus, are subject to the $8,475 (indexed) cap on elective deferrals.

The election to have amounts contributed to a SEP or received in cash is available only if at least 50 percent of the employees of the employer elect to have amounts contributed to the SEP. In addition, such election is available for a taxable year only if the employer maintaining the SEP had 25 or fewer eligible employees at all times during the prior taxable year.

Under present law, elective deferrals under SEPs are subject to nondiscrimination standards. The amount eligible to be deferred as a percentage of each highly compensated employee's compensation (i.e., the deferral percentage) is limited by the average deferral percentage (based solely on elective deferrals) for all nonhighly compensated employees who are eligible to participate. The deferral percentage for each highly compensated employee (taking into account only the first $222,220 (indexed) of compensation) cannot exceed 125 percent of the average deferral percentage for all other eligible employees. Nonelective SEP contributions may not be combined with the elective SEP deferrals for purposes of this test. An employer may not make any other SEP contributions conditioned on elective SEP deferrals. If the 125-percent test is not satisfied, rules similar to the rules applicable to excess contributions to a cash or deferred arrangement is to apply.

If any employee is eligible to make elective SEP deferrals, all employees satisfying the participation requirements must be eligible to make elective SEP deferrals. Employees satisfying the participation requirements are those employees who (1) have attained age 21, (2) have performed services for the employer during at least 3 of the immediately preceding 5 years, and (3) received at least $363 (indexed) in compensation from the employer for the year. An employee can participate even though he or she is also a participant in one or more other qualified retirement plans sponsored by the employer. However, SEP contributions are added to the employer's contribution to the other plans on the participant's behalf in applying the limits on contributions and benefits (sec. 415).

REASONS FOR CHANGE

Although generous, the tax incentives for pension plans under present law have not significantly improved pension coverage for employees of small businesses. One of the reasons small employers may fail to establish pension plans for employees is because of the administrative costs and burdens attributable to such plans.

While present-law SEPs already provide a low-cost retirement savings option to employers, it is believed that further simplification and broadening of the SEP rules will encourage more small employers to establish plans for their employees. In particular, it is believed that making salary deferral SEPs available to a larger number of employers and providing a design-based qualification test for such SEPs (in lieu of applying nondiscrimination standards) will encourage small employers to establish plans for their employees.

The exemption from nondiscrimination standards for small employer salary deferral SEPs is a departure from the rule that tax-favored retirement plans must be tested for prohibited discrimination in favor of highly compensated employees. In general, nondiscrimination rules are critical to both sound tax and retirement policy. However, because of the complexity of the present-law rules and the resulting burden they place on small employers, a targeted exception to the general rule is appropriate for small employers. In all other cases, nondiscrimination testing will continue to apply.

EXPLANATION OF PROVISIONS

The bill repeals the present-law rules applying to salary reduction arrangements under a SEP and replaces them with new rules that simplify the administration of such arrangements.

Under the bill, employers (including tax-exempt and State and local government employers) who do not maintain a qualified plan and who had no more than 100 employees eligible to participate in a SEP on each day of the preceding plan year can maintain a qualified salary reduction arrangement for their employees. The arrangement must satisfy the following requirements to be a qualified arrangement. First, the employer must contribute to each eligible employee's SEP an amount equal to 3 percent of the employee's compensation for the year (not in excess of $100,000 (indexed)). This percentage is increased to 5 percent if the employer or any predecessor employer maintained a qualified plan (other than a SEP) during either of the 2 years preceding the year in which the salary deferral SEP is established.

Second, each eligible employee must be permitted to make salary reduction contributions to the SEP of up to a maximum of $5,000 (indexed) per year.[1]

Third, the employer may make matching contributions to each employee's SEP equal to no more than 50 percent of the elective contributions made on behalf of the employee. The level of the employer's matching contribution may not increase as an employees elective contribution increases, and may not be greater for any highly compensated employee at any level of compensation than for any nonhighly compensated employee at that level.

If these conditions are satisfied, the arrangement is a qualified salary reduction arrangement that can be maintained under a SEP. The qualified arrangement is not subject to nondiscrimination testing requirements. In addition, it is intended that a qualified salary reduction arrangement will be deemed to satisfy the minimum benefit requirements of the top-heavy rules (sec. 416(c)(2)).

Under the bill, an employer maintaining a salary reduction SEP is required to provide a description of the SEP to eligible employees.

EFFECTIVE DATE

The provision is generally effective with respect to years beginning after December 31, 1991.

Under a transition rule, salary reduction SEPs established before the date of enactment are not subject to the new rules contained in the bill regarding qualified salary reduction arrangements unless the employer elects to have the new rules apply for any year and all subsequent years. Employers who do not make such an election are subject to the rules in effect for years beginning before January 1, 1992.

2. Repeal of limitation on ability of State and local governments and tax-exempt employers to maintain cash or deferred arrangements (sec. 202 of the bill and secs. 401(k) and 408(k)(6) of the Code).

PRESENT LAW

Under present law, if a tax qualified profit-sharing or stock bonus plan meets certain requirements, then an employee is not re-

[1] Of course, the employer may limit contributions to the extent necessary to ensure compliance with the limits on contributions and benefits (sec. 415).

quired to include in income any employer contributions to the plan merely because the employee could have elected to receive the amount contributed in cash (sec. 401(k)). Plans containing thie feature are referred to as cash or deferred arrangements. State and local governments and tax-exempt organizations are generally prohibited from establishing qualified cash or deferred arrangements. Because of this limitation, many of such employers are precluded from maintaining broad-based, funded elective deferral arrangements for their employees.

REASONS FOR CHANGE

State and local governments and tax-exempt entities should be permitted to maintain cash or deferred arrangements for their employees on the same basis as other employers.

EXPLANATION OF PROVISION

The bill allows State and local governments and tax-exempt organizations to maintain cash or deferred arrangements. As under present law, the limitation on the amount that may be deferred by an individual participating in both a cash or deferred arrangement and another elective deferral arrangement applies.

EFFECTIVE DATE

The provision applies to tax-exempt organizations with respect to plans established after December 31, 1991, and to governmental employers with respect to plans established after December 31, 1994.

3. Duties of master and prototype plan sponsors (sec. 203 of the bill)

PRESENT LAW

The Internal Revenue Service (IRS) master and prototype program is an administrative program under which trade and professional associations banks, insurance companies, brokerage houses, and other financial institutions can obtain IRS approval of model retirement plan language and then make these preapproved plans available for adoption by their customers, investors, or association members. Rules regarding who can sponsor master and prototype programs, the prescribed format of the model plans, and other matters relating to the program are contained in revenue procedures and other administrative pronouncements of the IRS.

The IRS also maintains related administrative programs that authorize advance approval of model plans prepared by law firms and others, i.e., the regional prototype plan program and volume submitter program.

REASONS FOR CHANGE

As the laws relating to retirement plans have become more complex, employers have experienced an increase in the frequency and cost of amending plans and of the burdens of administering the plans. Master and prototype plans reduce these costs and burdens, particularly for small- to medium-sized employers, and improve IRS administration of the retirement plan rules. Today, the majority of employer-provided qualified retirement plans, including qualified cash or deferred arrangements (sec. 401(k) plans), simplified employee pensions (SEPs) and individual retirement arrangements (IRAs) are approved master and prototype plans. The Treasury and the IRS believe that the further expansion of the master and prototype program is desirable, but that statutory authority authorizing the IRS to specifically define the duties of master and prototype sponsors should be obtained before the program becomes more widley utilized.

EXPLANATION OF PROVISION

The bill authorizes the IRS to define the duties of organizations that sponsor master and prototype regional prototype, and other preapproved plans, including mass submitters. These duties would become a condition of sponsoring preapproved plans. The bill is not intended to be interpreted as diminishing the IRS's administrative authority with respect to the master and prototype, regional prototype, or similar programs, including the authority to define who is eligible to sponsor prototype plans, or to create other rules relating to these programs. Rather, it is intended to create a system of sponsor accountability, subject to IRS monitoring, that will give adopters of master and prototype and other preapproved plans a level of protection, comparable to that in the regional prototype plan program, against failure by master and prototype and other plan sponsors to fulfill certain obligations.

The bill thus authorizes the IRS to prescribe duties of sponsors of prototype and other preapproved plans that include, but are not limited to, maintaining annually current lists of adopting employers and providing certain annual notices to adopting employers and to the IRS. While reflecting the IRS's own requirements in its regional prototype plan procedure, the bill does not require the IRS to mandate a master and prototype accountability system that is identical to the regional prototype plan procedure. The bill also authorizes the IRS to prescribe such other reasonable duties that are consistent with the objective of protecting adopting employers from a sponsor's failure to amend a plan in a timely manner or to communicate amendments or other notices required by the IRS's procedures.

The bill authorizes the IRS to define the duties of preapproved plan sponsors that relate to providing administrative services to the plans of adopting employers. This is not intended to obligate sponsors to undertaken the complete day-to-day administration of the plans they sponsor (although it does not preclude the IRS from mandating the performance of specific functions), but to protect employers against loss of qualification merely because of ignorance of the possible need to arrange for such services or the unavailability of professional assistance from parties familiar with the sponsor's plan.

It is thus intended that, at a minimum, sponsors should (1) advise adopting employers that failure to arrange for administrative services to the plan may significantly increase the risk of disqualification and resulting sanctions, and (2) furnish employers with the name of firms that are familiar with the plan and can provide professional administrative service. Of course, this would not preclude the sponsor from providing that service itself.

The bill should not be construed as creating fiduciary relationships or responsibilites under Title I of ERISA that would not exist in the absence of the provision.

To the exent he deems reasonably necessary to carry out the purposes of this provision of the bill, the Secretary is authorized to issue regulations that permit the relaxation of the anti-cutback rules contained in ERISA (Sec. 204(g)) and the Code (sec. 411(d)(6)) when employers replace an individually designed plan with an IRS mode plan, provided that the rights of participants to accured benefits under the individually designed plan are not significantly impaired. This will facilitate the shift by employers from individually designed plans to IRS model plans.

C. TITLE III—MISCELLANEOUS SIMPLIFICATION

1. Definition of leased employee (sec. 301 of the bill and sec. 414(n) of the Code)

PRESENT LAW

An indivdual (a leased employee) who performs services for another person (the recipient) may be required to be treated as the recipient's employee for various employee benefit provisions if the services are performed pursuant to an agreement between the recipient and a third person (the leasing organization) who is otherwise treated as the individual's employer (sec. 414(n)). The individual is to be treated as the recipient's employee only if the individual has performed serivces for the recipient on a substnatially full-time basis (i.e., at least 1500 hours under regulations) for a year, and the services are of a type historically performed by employees in the recipient's business field.

An indvidual who otherwise would be treated as a recipient's leased employee will not be treated as such an employee if the individual participates in a safe harbor plan maintained by the leasing organization meeting certain requirements. Each leased employee is to be treated as an employee of the recipient, regardless of the existence of a safe-harbor plan, if more than 20 percent of an employer's nonhighly compensated workforce are leased.

REASONS FOR CHANGE

The leased employee rules are complex and have unexpected and sometimes indefensible results, especially as interpreted under regulations proposed by the Secretary. For example, under the "historically performed" standard, the employees and partners of a law firm may be the leased employees of a client of the firm if they work a sufficient number of hours for the client and if it is not unusual for employers in that business field to have in-house counsel. While arguably meeting the present-law leased employee definition, situations such as this are outside the originally intended scope of the rules.

EXPLANATION OF PROVISION

Under the bill, the present-law "historically performed" test is replaced with a new rule defining who must be considered a leased employee. Under the bill, an individual is not considered a leased employee unless the services are performed under any significant direction or control by the Service recipient. As under present law, the determination of whether someone is a leased employee is made after determining whether the individual is a common-law employee of the service recipient. Thus, an individual who is not a common-law employee of the service recipient may nevertheless be a leased employee of the service recipient. Similarly, the fact that a person is or is not found to perform service under the significant direction or control of the recipient for purposes of the employee leasing rules is not relevant in determining whether the person is or is not a common-law employee of the recipient.

Whether a service recipient has significant direction or control over the services performed by an individual depends on the facts and circumstances. Factors that are relevant in determining whether significant direction or control exists include whether the individual is required to comply with instructions of the service recipient about when, where, and how he or she is to work, whether the services must be performed by a particular person, whether the individual is subject to the supervision of the service recipient, and whether the individual must perform services in the order or sequence set by the service recipient. Factors that would generally not be relevant in determining whether such direction or control exists include whether

the service recipient has the right to hire or fire the individual, whether the individual works for others, and whether the individual has a significant investment in facilities or equipment used by the individual in performing the services.

For example, an individual who works under the direct supervision of the service recipient would be considered to be subject to the significant direction or control of the service recipient even if another company hired and trained the individual, had the ultimate (but unexercised) legal right to control the individual, paid his wages, withheld his employment and income taxes, and had exclusive right to fire him.

On the other hand, an individual who is a common-law employee of Company A who performs services for Company B on the business premises of the Company B under the supervision of Company A would generally not be considered to be under the direction or control of Company B. The supervision by Company A must be more than nominal, however, and not merely a mechanism to avoid the literal language of the direction or control test.

Under the direction or control test, clerical and similar support staff (e.g., secretaries and nurses) generally would be considered to be subject to the direction or control of the service recipient and would be leased employees provided the other requirements of section 414(n) are met.

In many cases, the present-law "historically performed" test is overbroad, and results in the unintended treatment of individuals as leased employees. One of the principal purposes for adopting the significant direction or control test is to relieve the unnecessary hardship and uncertainty created for employers in these circumstances. However, it is not intended that the direction or control test enable employers to engage in abusive practices. Thus, it is intended that the Secretary interpret and apply the leased employee rules in a manner so as to prevent abuses. This ability to prevent abuses under the leasing rules is in addition to the present-law authority of the Secretary under section 414(o). For example, one potentially abusive situation exists where the benefit arrangements of the service recipient overwhelmingly favor its highly compensated employees, the employer has no or very few nonhighly compensated common-law employees, yet the employer makes substantial use of the services of nonhighly compensated individuals who are not its common-law employees.

EFFECTIVE DATE

The provision is effective for taxable years beginning after December 31, 1991. In applying the leased employee rules to years beginning before such date, it is intended that the Secretary use a reasonable interpretation of the statute to apply the leasing rules to prevent abuse. The changes to the leasing rules are not intended to affect grandfather rules granted under prior legislation.

2. Nondiscrimination rules relating to qualified cash or deferred arrangements, matching contributions, and after-tax employee contributions, (sec. 302 of the bill and secs. 401 (k) and (m) of the Code)

PRESENT LAW

Nondiscrimination rules relating to qualified cash or deferred arrangements

In General

A profit-sharing or stock bonus plan, a pre-ERISA money purchase pension plan, or a rural cooperative plan may include a qualified cash or deferred arrangement (sec. 401(k)). Under such an arrangement, an employee may elect to have the employer make payments as contributions to a plan on behalf of the employee, or to the employee directly in cash. Contributions made at the election of the employee are called elective deferrals. The maximum annual amount of elective deferrals that can be made by an individual is $8,475 for 1991. This dollar limit is indexed annually for inflation. A special nondiscrimination test applies to cash or deferred arrangements.

The special nondiscrimination test applicable to elective deferrals under qualified cash or deferred arrangements is satisfied if the actual deferral percentage (ADP) for eligible highly compensated employees for a plan year is equal to or less than either (1) 125 percent of the ADP of all nonhighly compensated employees eligible to defer under the arrangement, or (2) the lesser of 200 percent of the ADP of all eligible nonhighly compensated employees or such ADP plus 2 percentage points. The ADP for a group of employees is the average of the ratios (calculated separately for each employee in the group) of the contributions paid to the plan on behalf of the employee to the employee's compensation.

Excess Contributions

If the special nondiscrimination rules are not satisfied for any year, the qualified cash or deferred arrangement will not be disqualified if the excess contributions (plus income allocable to the excess contributions) are distributed before the close of the following plan year. In addition, under Treasury regulations, instead of receiving an acutal distribution of excess contributions, an employee may elect to have the excess contributions treated as an amount distributed to the employee and then contributed by the employee to the plan on an after-tax basis.

Excess contributions mean, with respect to any plan year, the excess of the aggregate amount of elective deferrals paid to the cash or deferred arrangement and allocated to the accounts of highly compensated employees over the maximum amount of elective deferrals that could be allocated to the accounts of highly compensated employees without violating the nondiscrimination requirements applicable to the arrangement. To determine the amount of excess contributions and the employees to whom the excess contributions are to be distributed, the elective deferrals of highly compensated employees are reduced in the order of their actual deferral percentages beginning with those highly compensated employees with the highest deferral percentage.

Excise Tax on Excess Contributions

An excise tax is imposed on the employer making excess contributions to a qualified cash or deferred arrangement (sec. 4979). The tax is equal to 10 percent of the excess contributions (but not earnings on those contributions) under the arrangement for the plan year ending in the taxable year. However, the tax does not apply to any excess contributions that, together with income allocable to the excess contributions, are distributed or, in accordance with Treasury regulations, recharacterized as after-tax employee contributions no later than 2½ months after the close of the plan year to which the excess contributions relate.

Excess contributions (plus income) distributed or recharacterized within the applicable 2½ month period generally are to be treated as received and earned by the employee in the employee's taxable year in which the excess contributions would have been received as cash, but for the employee's deferral election. For purposes of determining the employee's taxable year in which the excess contributions are includible in income, the excess contributions are treated as the first contributions made for a plan year. Of course, distributions of excess contributions (plus income) within the applicable 2½ month period are not taxed a second time in the year of distribution.

Nondiscrimination rules relating to employer matching contributions and after-tax employee contributions

In General

A special nondiscrimination test is applied to employer matching contributions and after-tax employee contributions under qualified defined contribution plans (sec. 401(m)) that is similar to the special nondiscrimination test applicable to qualified cash or deferred arrangements.[2] The term "employer matching contributions" means any employer contribution made on account of (1) an employee contribution or (2) an elective deferral under a qualified cash or deferred arrangement.

The special nondiscrimination test is satisfied for a plan year if the contribution percentage for eligible highly compensated employees does not exceed the greater of (1) 125 percent of the contribution percentage of all other eligible employees, or (2) the lesser of 200 percent of the contribution percentage for all other eligible employees, or such percentage plus 2 percentage points. The contribution percentage for a group of employees for a plan year is the average of the ratios (calculated separately for each employee in the group) of the sum of matching and employee contributions on behalf of each such employee to the employee's compensation for the year.

Under Treasury regulations, multiple use of the second (or "alternative") limitation cannot be used to satisfy both the special nondiscrimination test in section 401(k) and the special nondiscrimination test in section 401(m) in the case of a plan that includes both a qualified cash or deferred arrangement and matching contributions.

TREATMENT OF EXCESS AGGREGATE CONTRIBUTIONS

As under the rules relating to qualified cash or deferred arrangements, if the special nondiscrimination test is not satisfied for any year, the plan will not be disqualified if the excess aggregate contributions (plus income allocable to such excess aggregate contributions) are distributed before the close of the following plan year. Generally, the amount of excess aggregate contributions and their allocation to highly compensated employees is determined in the same manner as with respect to excess deferrals.

EXCISE TAX ON EXCESS AGGREGATE CONTRIBUTIONS

An excise tax is imposed on the employer with respect to excess aggregate contributions (sec. 4979). The tax is equal to 10 percent of the excess aggregate contributions (but not earnings on those contributions) under the plan for the plan year ending in the taxable year for which the contributions are made.

However, the tax does not apply to any excess aggregate contributions that, together with income allocable to the excess aggregate contributions, are distributed (or, if nonvested, forfeited) no later than 2½ months after the close of the plan year in

[2]These rules also apply to certain employee contributions to a defined benefit pension plan.

which the excess aggregate contributions arose.

REASONS FOR CHANGE

The sources of complexity generally associated with the special nondiscrimination test for qualified cash or deferred arrangements are the recordkeeping necessary to monitor employee elections, the calculations involved in applying the test, and the correction mechanism, i.e., what to do if the plan fails the test. The correction mechanism can create problems because the employer often will not know until the end of the year whether or not the test has been satisfied. The need to make corrections at the end of the year can create confusion on the part of employees who receive a return of their excess contributions. Although perhaps more a question of fairness rather than complexity, it has also been pointed out that the way in which excess contributions of highly compensated employees are reduced under present law may reduce the contributions of the lower-paid highly compensated employees more than the contributions of higher-paid highly compensated employees.

The sources of complexity commonly associated with the special nondiscrimination test for matching and employee contributions are generally the same as those associated with the ADP tests for elective contributions to a cash or deferred arrangement. In a plan that includes both a cash or deferred arrangement and matching contributions, the prohibition on multiple use of the alternative limitation adds to the complexity.

The special nondiscrimination tests are designed to ensure that the tax benefits for qualified plans are not accruing only to highly compensated employees and that rank-and-file employees actually benefit under the plan. These concerns are particularly acute in the case of elective retirement arrangements. The special nondiscrimination tests for qualified cash or deferred arrangements, matching contributions, and after-tax employee contributions can be modified to reduce complexity without undermining the purposes of the tests.

EXPLANATION OF PROVISION

Nondiscrimination rules relating to qualified cash or deferred arrangements

The bill replaces the present-law two-prong ADP test applicable to qualified cash or deferred arrangements with an single test that is applied at the beginning of the plan year. The bill reduces the complexities associated with present law by (1) reducing the number of calculations that must be performed in order to determine if the test is satisfied, and (2) reducing the need for correction mechanisms by modifying the test so that the maximum possible deferrals by highly compensated employees is known at the beginning of the plan year. In addition, under the bill, the present-law method for reducing excess deferrals and the restriction on multiple use of the alternative limitations are repealed. They are not necessary under the nondiscrimination tests as modified by the bill.

Under the bill, the maximum amount each eligible highly compensated employee can defer is 200 percent of the average deferral percentage of nonhighly compensated employees for the preceding plan year.[3] The average deferral percentage of nonhighly compensated employees is determined the same way as the ADP for such employees under present law. For example, if the average deferral percentage for eligible nonhighly compensated employees is 4 percent, then, under the bill, each eligible highly compensated employee could elect to defer 8 percent of compensation (subject to the dollar limitation on elective deferrals).

In the case of the first plan year of a qualified cash or deferred arrangement, the average deferral percentage for nonhighly compensated employees for the previous year is deemed to be 3 percent or, at the election of the employer, the average deferral percentage for that plan year.

The bill also modifies the permissible correction mechanisms by eliminating the recharacterization method. The number of permissible correction mechanisms increases complexity under present law. In addition, under the bill, correction will be necessary infrequently compared to present law, so that a variety of correction mechanisms is unnecessary.

Nondiscrimination rules relating to employer matching and after-tax employee contributions

The bill conforms the special nondiscrimination test for employer matching and after-tax employee contributions to the rules under the bill regarding qualified cash or deferred arrangements. Thus, under the bill, a plan meets the special nondiscrimination test if the actual contribution percentage of each eligible highly compensated employee for such plan year does not exceed 200 percent of the average contribution percentage of nonhighly compensated employees for the preceding plan year. The actual contribution percentage for an employee is the percentage which the sum of matching contributions and after-tax employee contributions contributed under the plan on behalf of such employee is of such employee's compensation. The average contribution percentage for nonhighly compensated employees for a year is the average of the actual contribution percentages of eligible nonhighly compensated employees for that year.

EFFECTIVE DATE

The provision is effective for plan years beginning after December 31, 1991.

3. Definition of highly compensated employee, cost-of-living adjustments, half-year requirements, and plans covering self-employed individuals (secs. 303–306 of the bill and secs. 72, 219, 401, 403, 408, 411, 414(q), and 415(d) of the Code)

PRESENT LAW

Definition of highly compensated employee

In General

For purposes of the rules applying to qualified retirement plans under the Code, an employee, including a self-employed individual, is treated as highly compensated with respect to a year if, at any time during the year or the preceding year, the employee: (1) was a 5-percent owner of the employer; (2) received more than $90,803 in annual compensation from the employer; (3) received more than $60,535 in annual compensation from the employer and was one of the top-paid 20 percent of employees during the same year; or (4) was an officer of the employer who received compensation greater than $54,482. These dollar amounts are adjusted annually for inflation at the same time and in the same manner as the adjustments to the dollar limit on benefits under a defined benefit pension plan (sec. 415(d)). If, for any year, no officer has compensation in excess of $54,482 (indexed), then the highest paid officer of the employer for such year is treated as a highly compensated employee.

An employee is not treated as in the top-paid 20 percent, as an officer, or as receiving $90,803 or $60,535 solely because of the employee's status during the current year, unless such employee also is among the 100 employees who have received the highest compensation during the year.

Election To Use Simplified Method

Employers are permitted to elect to determine their highly compensated employees under a simplified method. Under this method, an electing employer may treat employees who received more than $60,535 in annual compensation from the employer as highly compensated employees in lieu of applying the $90,803 threshold and without regard to whether such employees are in the top-paid group of the employer. This election is available only if at all times during the year the employer maintained business activities and employees in at least 2 geographically separate areas.

Treatment of Family Members

A special rule applies with respect to the treatment of family members of certain highly compensated employees. Under the special rule, if an employee is a family member of either a 5-percent owner or 1 of the top 10 highly compensated employees by compensation, then any compensation paid to such family member and any contribution or benefit under the plan on behalf of such family member is aggregated with the compensation paid and contributions or benefits on behalf of the 5-percent owner or the highly compensated employee in the top 10 employees by compensation. Therefore, such family member and employee are treated as a single highly compensated employee. An individual is considered a family member if, with respect to an employee, the individual is a spouse, lineal ascendant or descendant, or spouse of a lineal ascendant or descendant of the employee.

Similar family aggregation rules apply in applying the $222,220 limit on compensation that may be taken into account under a qualified plan (sec. 401(a)(17)) and for deduction purposes (sec. 404(1)). However, under such provisions, only the spouse of the employee and lineal descendants of the employee who have not attained age 19 are taken into account.

Cost-of-living adjustments

The rules relating to qualified plans contain a number of dollar limits that are indexed annually for cost-of-living adjustments (e.g., the dollar limit on benefits under a defined benefit plan (sec. 415(b)), the limit on elective deferrals under a qualified cash or deferred arrangement (sec. 402(g)), and the dollar amounts used in determining highly compensated employees (sec. 414(q)). The Secretary publishes annually a list of the amounts applicable under each provision for the year. Due to the timing of the cost-of-living adjustments, the dollar amounts for each year are not known until after the start of the calendar year.

Half-year requirements

Under present law, a number of employee plan rules refer to the age of an individual at a certain time. For example, distributions under a qualified pension plan are generally required to begin no later than the April 1 following the year in which an individual attains age 70½ (sec. 401(a)(9)). Similarly, an additional income tax on early withdrawals applies to certain distributions from qualified pension plans and IRAs prior to the time the participant or IRA owner attains age 59½ (sec. 72(t)).

[3] This test is similar to the special nondiscrimination test applicable to salary reduction simplified employee pensions (SEPs) under present law.

Plans covering self-employed individuals

Prior to the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) different rules applied to retirement plans maintained by incorporated employers and unincorporated employers (such as partnerships and sole proprietors). In general, plans maintained by unincorporated employers were subject to special rules in addition to the other qualification requirements of the Code. Most, but not all, of this disparity was eliminated by TEFRA. Under present law, certain special aggregation rules apply to plans maintained by owner-employees that do not apply to other qualified plans (sec. 401(d) (1) and (2)).

REASONS FOR CHANGE

Under present law, the administrative burden on employers to comply with some of the basic rules applying to qualified retirement plans outweighs the small potential benefit of the rules. For example, the various categories of highly compensated employees require employers to perform a number of complex calculations that for many employers have largely duplicative results. Similarly, rules triggered by the attainment of fractional ages are difficult to remember and apply but of insignificant benefit to plan participants.

Under present law, adjusted dollar limits are generally not published until after the beginning of the calendar year to which the limits apply. This creates uncertainty for plan sponsors and participants who must make decisions under the plan that may be affected by the limits.

The remaining special rules for plans maintained by unincorporated employers are unnecessary and should be eliminated. Applying the same set of rules to all types of plans would make the qualification standards easier to apply and administer.

EXPLANATION OF PROVISIONS

Definition of highly compensated employee

The bill replaces the present law test for determining who is a highly compensated employee with a simplified test. The bill provides that an employee is highly compensated for a year if the employee (1) was a 5-percent owner of the employer during the year or the preceding year, (2) received compensation in excess of $65,000 during the preceding year, or (3) received compensation in excess of $65,000 during the year and was one of the top 100 most highly compensated employees of the employer for the year. As under present law, the $65,000 threshold is adjusted for cost-of-living increases in the same manner as the limitations on contributions and benefits (sec. 415(d)), except that the base period taken into account is the calendar quarter beginning October 1, 1990.

Under the bill, if no employee is treated as being highly compensated under the rules described above, then the employee with the highest compensation for the year is treated as a highly compensated employee. The bill applies the present-law family member aggregation rule only in the case of family members of a 5-percent owner, and conforms the aggregation rule to the other family aggregation rules by taking into account only the spouse of the employee and lineal descendants of the employee who are under age 19.

Cost-of-living adjustments

The bill provides that the cost-of-living adjustment with respect to any calendar year is based on the increase in the applicable index as of the close of the calendar quarter ending September 30 of the preceding calendar year. Thus, adjusted dollar limits will be published before the beginning of the calendar year to which they apply.

In addition, the bill provides that the dollar limits determined after application of the cost-of-living adjustments are generally rounded to the nearest $1,000. Dollar limits relating to elective deferrals and elective contributions to simplified employee pensions (SEPs) are rounded to the nearest $100.

Elimination of half-year requirements

The bill changes the half-year requirements to birth date requirements. Those rules under present law that refer to age 59½ are changed to refer to age 59, and those that refer to age 70½ are changed to refer to age 70.

Plans covering self-employed individuals

The bill eliminates the special aggregation rules that apply to plans maintained by self-employed individuals that do not apply to other qualified plans.

EFFECTIVE DATES

The provisions are effective for years beginning after December 31, 1991.

4. Modification of full funding limitation (sec. 307 of the bill and sec. 412 of the Code).

PRESENT LAW

Under present law, subject to certain limitations, an employer may make deductible contributions to a defined benefit pension plan up to the full funding limitation. The full funding limitation is generally defined as the excess, if any, of (1) the lesser of (a) the accrued liability under the plan (including normal cost) or (b) 150 percent of the plan's current liability, over (2) the lesser of (a) the fair market value of the plan's assets, or (b) the actuarial value of the plan's assets (sec. 412(c)(7)).

The Secretary may, under regulations, adjust the 150-percent figure contained in the full funding limitation to take into account the average age (and length of service, if appropriate) of the participants in the plan (weighted by the value of their benefits under the plan). In addition, the Secretary is authorized to prescribe regulations that apply, in lieu of the 150 percent of current liability limitation, a different full funding limitation based on factors other than current liability. The Secretary may exercise this authority only in a manner so that in the aggregate, the effect on Federal budget receipts is substantially identical to the effect of the 150-percent full funding limitation.

REASONS FOR CHANGE

The Secretary has not yet exercised his authority with respect to the full funding limitation. It is appropriate to specify a revenue-neutral way of exercising such authority.

EXPLANATION OF PROVISION

The bill allows certain employers to elect to apply the present-law full funding limitation without regard to the 150 percent of current liability limitation. The Secretary is required under the provision to adjust the full funding limitation in a specified manner for all plans (other than those subject to such an election) in response to employer elections under the proposal so that the provision is revenue neutral.

EFFECTIVE DATE

The provision is effective on the date of enactment.

5. Distributions from qualified cash or deferred arrangements maintained by rural cooperatives (sec. 308 of the bill and sec. 401(k) of the Code).

PRESENT LAW

Under present law, a qualified cash or deferred arrangement can permit withdrawals by participants only after the earlier of (1) the participant's separation from service, death, or disability, (2) termination of the arrangement, (3) in the case of a profit-sharing or stock bonus plan, the attainment of age 59½, or (4) in the case of a profit-sharing or stock bonus plan to which section 402(a)(8) applies, upon hardship of the participant (sec. 401(k)(2)(B)). In the case of a rural cooperative qualified cash or deferred arrangement, which is part of a money purchase pension plan, withdrawals by participants cannot occur upon attainment of age 59½ or upon hardship.

REASONS FOR CHANGE

It is appropriate to permit qualified cash or deferred arrangements of rural cooperatives to permit distributions to plan participants under the same circumstances as other qualified cash or deferred arrangements. Rural cooperatives could achieve the same results by modifying the structure of their plans. There is no justifiable reason to require rural cooperatives to incur the administrative costs of plan conversion when the same result can be achieved without imposing such costs.

EXPLANATION OF PROVISION

The bill provides that a rural cooperative plan that includes a qualified cash or deferred arrangement will not be treated as violating the qualification requirements merely because the plan permits distributions to plan participants after the attainment of age 59.

EFFECTIVE DATE

The provision is effective for distributions after the date of enactment.

6. Treatment of nonunion airline pilots for coverage purposes (sec. 309 of the bill and sec. 410(b) of the Code)

PRESENT LAW

Under present law, for purposes of determining whether a qualified pension plan satisfies the minimum coverage requirements, in the case of trust established pursuant to a collective bargaining agreement between airline pilots and one or more employers, all employees not covered by the collective bargaining agreement are disregarded (sec. 410(b)(3)(B)). This provision applies only in the case of a plan that provides contributions or benefits for employees whose principal duties are not customarily performed aboard aircraft in flight. Thus, a collectively bargained plan covering only airline pilots is tested separately for purposes of the minimum coverage requirements.

REASONS FOR CHANGE

Present law treats airline pilots covered by a collective bargaining agreement separately for purposes of testing whether a pension plan satisfies the minimum coverage requirements, but requires nonunion airline pilots to be considered with an employer's other employees for coverage purposes. This disparity of treatment can adversely affect the decision of airline pilots to unionize.

In addition, present law may prevent employers who provide pension benefits to nonunion airline pilots from providing benefits to such pilots that are comparable to the benefits provided to airline pilots covered under a collective bargaining agreement. Thus, present law may make it more difficult for employers employing nonunion airline pilots to compete for qualified pilots.

EXPLANATION OF PROVISION

The bill provides that, in the case of a plan established by one or more employers to provide contributions or benefits for air pilots

employed by one or more common carriers engaged in interstate or foreign commerce or air pilots employed by carriers transporting mail for or under contract with the United States government, all employees who are not air pilots are excluded from consideration in testing whether the plan satisfies the minimum coverage requirements. In addition, the bill provides that this exception does not apply in the case of a plan that provides contributions or benefits for employees who are not air pilots or for air pilots whose principal duties are not customarily performed aboard aircraft in flight.

EFFECTIVE DATE

The provision is effective for years beginning after December 31, 1991.

7. Vesting rules for multiemployer plans (sec. 310 of the bill and sec. 411 of the Code)

PRESENT LAW

Under present law, except in the case of multiemployer plans, a plan is not a qualified plan unless a participant's employer-provided benefit vests at least as rapidly as under 1 of 2 alternative minimum vesting schedules. A plan satisfies the first schedule if a participant acquires a nonforfeitable right to 100 percent of the participant's accrued benefit derived from employer contributions upon the particpant's completion of 5 years of service. A plan satisfies the second schedule if a participant has a nonforfeitable right to at least 20 percent of the participant's accrued benefit derived from employer contributions after 3 years of service, 40 percent at the end of 4 years of service, 60 percent at the end of 5 years of service, 80 percent at the end of 6 years of service, and 100 percent at the end of 7 years of service.

In the case of multiemployer plan, a participant's accrued benefit derived from employer contributions is required to be 100 percent vested no later than upon the participant's completion of 10 years of service. This special rule applies only to employees covered by the plan pursuant to a collective bargaining agreement.

These same vesting rules also apply under title I of the Employee Retirement Income Security Act of 1974 (ERISA).

REASONS FOR CHANGE

The present-law vesting rules for multiemployer plans add to complexity because there are different vesting schedules for different types of plans, and different vesting schedules for persons within the same multiemployer plan. In addition, the present-law rule prevents some workers from earning a pension under a multiemployer plan. Conforming the multiemployer plan rules to the rules for other plans would mean that workers could earn additional benefits.

EXPLANATION OF PROVISION

The bill conforms the vesting rules for multiemployer plans to the rules applicable to other qualified plans.

EFFECTIVE DATE

The provision is effective for plan years beginning on or after the earlier of (1) the later of January 1, 1992, or the date on which the last of the collective bargaining agreements pursuant to which the plan is maintained terminates, or (2) January 1, 1994, with respect to participants with an hour of service after the effective date.

8. Definitions of retirement age (sec. 311 of the bill and secs. 401(a)(14) and 411 of the Code)

PRESENT LAW

A qualified plan is required to provide that, unless the participant elects otherwise, the payment of benefits under the plan is to begin no later than the 60th day after the latest of the close of the plan year in which (1) the participant attains the earlier of age 65 or the normal retirement age specified under the plan, (2) occurs the 10th anniversary of the year in which the participant commenced participation in the plan, or (3) the participant terminates service (sec. 401(a)(14)). Under the Code and title I of ERISA, for purposes of the rules relating to vesting and accrual of benefits, normal retirement age means the earlier of (1) the time a participant attains normal retirement age under the plan, or (2) the later of the time a participant attains age 65 or the 5th anniversary of the time a plan participant commenced participation in the plan.

For purposes of the limits on contributions and benefits (sec. 415) the retirement age under social seurity (with certain modifications) is generally used as normal retirement age.

REASONS FOR CHANGE

Some employers would like to use social security retirement age as the normal retirement age under their qualified plan. The present-law definitions of normal retirement age may prevent them from doing so. Allowing employers to use social security retirement age would simplify plan administration, and would also conform the definition to the rule in effect for purposes of the limits on contributions and benefits.

EXPLANATION OF PROVISION

The bill amends the definitions of normal retirement age by replacing age 65 with the social security retirement age (as determined under sec. 415(b)(8)).

EFFECTIVE DATE

The provision is effective for years beginning after December 31, 1991.

A CALL TO LIFT ECONOMIC SANCTIONS AGAINST IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ], is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, today I have introduced a resolution, House Resolution 180, that expresses a sense of the House that the economic embargo of Iraq should be lifted.

Hundreds of thousands of young children are dying, and we are doing nothing. Hundreds of thousands have died. They have not been reported, but if I could show some of the films that were taken by the cameras during the action, it would show our helicopter cannons shooting, cutting in half fleeing Iraqi soldiers. Over 100,000 of those died, most of them while they were running away.

It is still not precisely known how many civilians, but the estimates that have reached us from European sources indicate that there were approximately that many. So the war is supposed to be over, and yet we have thousands of our soldiers there. At this point hundreds of thousands of young children are dying. The United Nations, the International Red Cross, the Physicians for Human Rights, a Harvard study team, and Catholic Relief Services have all documented the fact that unless the economic sanctions imposed against Iraq are lifted immediately, tens of thousands, if not hundreds of thousands of Iraqi civilians will die in the next few months.

Is this our great military success? Is this what we sent hundreds of thousands of our troops halfway around the world to accomplish? Is the death of 60,000 Iraqi children under age 5 since the supposed end of the war a tremendous victory?

The most cynical part of this tragedy is that it is going on right now, and the U.S. Government is doing nothing about it, not even acknowledging that it happened, which has been censorship at its worst except that finally today, on the front page of the New York Times we have this story.

Mr. Speaker, I include that article for the RECORD at this point.

The article, dated June 24, 1991, referred as follows:

DISEASE SPIRALS IN IRAQ AS EMBARGO TAKES ITS TOLL

(By Patrick E. Tyler)

BAGHDAD, IRAQ, June 23—The 11-month-old international embargo on trade with Iraq is threatening the country with severe malnutrition and spiraling disease, American and other Western doctors inspecting hospitals this month say.

Some senior officials of relief agencies here have begun to criticize the prolonged trade sanctions because of their devastating effect on the general population and the burden they place on humanitarian organizations.

Thousands of Kurdish refugees returning to their homes from Iranian and Turkish border areas have found an economy besieged by accelerating inflation because of the embargo. Many of those Kurds are wearily bringing their malnourished and sick children to hospitals, saying they cannot afford the black-market prices for infant formula and high-protein foods.

THOUSANDS WITHOUT ELECTRICITY

In southern Iraq, where the forces of President Saddam Hussein crushed a Shiite Muslim rebellion at the end of the Persian Gulf war, ten of thousands of people are still without running water or electricity. Stagnant ponds of sewage and heaps of garbage are a common sight in their neighborhoods, and the surge in prices has made their plight even more desperate.

It is not clear whether an end to sanctions, including a decision to let Baghdad generate oil revenue, would immediately or dramatically improve the lot of ordinary Iraqis, given uncertainties like inflation and the Government's spending priorities.

But recent investigations suggest that trade sanctions are hurting the Iraqi people far more than is perceived in Washington, where President Bush has sought to maintain the embargo to force Mr. Hussein from power.

An examination of the public health system of Iraq, including visits by this reporter and a New York physician, Joseph Thomas, to 15 major hospitals across the country over the last week, indicated that an earlier epidemic of cholera is now under control.

But other infectious diseases, including typhoid, hepatitis, meningitis and gastroenteritis, have surged to what Western doctors and relief officials call epidemic levels. The

course of those diseases in a population struggling to recover from a devastating war is complicated by the Iraqis' generally poor health and nutrition, experts say.

The Government-subsidized rations of flour, rice and sugar that had previously sustained many Iraqis have been drastically cut back, and open-market prices for food have leaped more than tenfold. The only Iraqis spared from deprivation appear to be the country's political leadership and the wealthiest members of the merchant and professional class, who are drawing down their savings.

Although the United Nations lifted its embargo on humanitarian shipments of food to Iraq on March 22, Iraqi officials say that the embargo on foreign financial transactions, the freezing of assets and the ban on Iraqi sales of crude oil have made it extremely hard to import all but a small amount of food and special medicine. Oil is Iraq's principal source of income.

RETURNING REFUGEES ARE SUFFERING ANEW

Last month, a Harvard University medical team surveyed Iraqi hospitals and concluded that the mortality rate of Iraqi children under 5 years old could double this year because of disease compounded by malnutrition.

In March, more than two million Kurdish and Shiite refugees fled after their unsuccessful rebellions in the north and south. The West responded with a delayed but vigorous effort to save them from starvation, exposure and disease. The Bush Administration then sought to coax those refugees to return to their homes in Iraq, where the pressure of trade sanctions and inflation has led to new suffering.

Observations by doctors and relief officials during visits to hospitals across the country seem to bear out Iraqi Health Ministry figures showing a 25 percent increase in the admission of patients suffering from gastroenteritis in the last two months. Iraqi hospital workers say that figure significantly understates the rise in intestinal infections, since many cases do not reach hospitals.

Health Ministry figures also confirm what many Iraqi doctors reported in interviews—that more patients are dying from infectious diarrheal disease, largely because of their weakened state. While death from such infections was rare in 1990, the death rate for patients suffering from those diseases in the last two months has been about 32 per 1,000 cases admitted to hospitals. More than 17,000 people suffering from infectious diarrheal diseases were admitted to hospitals in April and May, ministry data indicate.

AFTER THE BOMBING, SEWAGE EVERYWHERE

The death rate in reported typhoid cases has jumped this year from statistical insignificance to 60 to 80 deaths per 1,000, according to Health Ministry figures.

The allied bombing attack on Iraq's national electric power grid severely disabled the country's water-purification and sewage pumping and treatment system. The system's failure caused raw waste to fill city streets and flow untreated into the rivers where millions of Iraqis turned for drinking water during the war. Poor sanitation ignited an epidemic of cholera, typhoid, gastroenteritis and other water-borne diarrheal diseases.

Dominique Dufour, the head of a 90-member team sent here by the International Committee of the Red Cross, said, "I am absolutely sure that no Pentagon planner calculated the impact bombing the electrical plants would have on pure drinking water supplies for weeks to come, and the snowball effect of this on public health."

Health Ministry officials allowed a reporter and Dr. Thomas, who was born in Iraq to make impromptu visits to hospitals throughout the country. Dr. Thomas, who has previously operated a medical supply company in Iraq, is trying to organize a private group of doctors who would donate equipment and medical services to Iraq.

Iraqi officials also allowed Westerners to visit Baghdad's main hospital for infectious diseases for the first time since the war. Some physicians in the United States suspected that Iraq was "hiding" cholera cases at that hospital in April and May. But during a visit, the staff of the severely rundown hospital readily acknowledged that they had treated many suspected cholera cases, as well as typhoid meningitis and hemorrhagic fever.

"I think they were just embarrassed by the place," said Dr. Michael Viola, a professor of medicine and microbiology at the State University of New York at Stony Brook, who also visited Iraq to study the war's effects on public health. "It's a disgrace. They ought to close it."

FEW RELIABLE DATA, BUT PLENTY OF PROOF

Dr. Viola, along with two other physicians from New York who represent a group called Medicine for Peace, said that although no reliable statistics are available from Western organizations, a severe epidemic of several diseases is in progress and is being aggravated by malnutrition.

"You don't need statistics," he said. "It's everywhere."

The national supply of pure water is in a precarious state. Most Iraqi cities are pumping one-tenth of the chlorinated water they were a year ago, and Government stocks of chlorine have dwindled to a 30-day supply in Mosul and Erbil, two major northern cities.

Patched-up generating plants are struggling to meet the demand for electricity as average daytime temperatures rise above 100 degrees. Blackouts of 12 hours or more a day have been common in the last two weeks.

A reporter traveling through dozens of pediatric- and infectious-disease wards across the country saw more than 100 cases of marasmus, or progressive emaciation from advanced malnutrition. Typical symptoms are a gaunt skeletal look and distended stomach. There were also many obvious cases of kwashiorkor, an advanced form of protein deficiency in toddlers that is seldom seen outside drought-stricken areas of Africa.

HOSPITALS REJECT THE MALNOURISHED

Under Iraqi Government policy, advanced malnutrition alone does not entitle one to admission to a hospital; a patient must also have contracted a disease or developed other complications before admission is allowed.

"If we admitted all the marasmus cases, the hospitals would be full in one day,' said Dr. Amera Ali, a physician at Ibn Baladi Hospital in Baghdad.

A severe shortage of infant formula has put the price of that basic nourishment beyond the means of many poor families. The price of one can of powdered infant formula has skyrocketed from about $1 to nearly $50. Poor families are allowed three cans per month from Government stocks at the lower, subsidized price, but the minimum nutritional need of an infant is 10 cans per month, doctors said.

A reporter saw dozens of mothers diluting infant formula to half strength to stretch out their precious supplies. Even in hospitals, most patients are receiving only half the normal ration of food because of cutbacks by the Health Ministry in hospital food budgets. Food rations of doctors and nurses have also been halved.

In Washington, Bush Administration officials have recently questioned whether Mr. Hussein is funneling any of Iraq's scarce hard-currency resources to the health sector. In interviews, the officials suggested that Mr. Hussein was effectively allowing relief organizations to assume the public-health burden in Iraq, even though such aid is inadequate.

But Western relief officials and Iraqi medical officials here indicated that the Government has allocated hard currency to imports of some medicines and infant formula that are not being provided by the relief agencies.

SEVERE INTERRUPTIONS OF KIDNEY DIALYSIS

This month, all Iraqis are being issued new medical cards that forbid them to take their health problems directly to the hospital system. Each Iraqi is assigned to a district health center where primary care will be dispensed, with only serious cases referred to the hospitals.

In hospital wards, doctors said they had been unable to supply adequate amounts of insulin to patients with diabetes. Medication for hypertension is unavailable in many cities. Kidney patients are going without drugs to fight rejection of the organs after transplants, and there have been serious interruptions of dialysis treatment.

A nephrologist in Mosul said that 28 of the 50 patients who were being treated in northern Iraq's only kidney dialysis program died during the gulf war or shortly after it ended because of a lack of transportation, electrical power or clean water for the delicate machinery. Physicians said that women with breast cancer and other cancer patients were going without adequate medication and treatment.

A senior relief agency official confirmed that the priority in humanitarian shipments of medicine had been antibiotics, which were urgently needed to fight outbreaks of cholera, typhoid and other infectious diseases.

AN AFRICAN FAMINE WOULD SIPHON AID

"We are not in the chronic-disease business," the relief official said. "We cannot become the pharmacists for 18 million people. We take the Africa approach—vaccination, basic antibiotics, and feeding."

One senior relief official said the cost of relief efforts in Iraq could exceed $500 million by next year.

"And who will that be paid by?" he said. "Not by Iraq, but by the taxpayers of the United States and Western Europe."

Within Iraq's medical establishment, there is a powerful current of resentment against the Bush Administration for seeking to topple Mr. Hussein by inflicting pain on the Iraqi population. Citizens have little hope of changing the Government in a police state protected by layers of security forces.

"Last year Bush made a speech at the United Nations about the children of the world, but look what he is doing to Iraqi children," the Deputy Health Minister, Dr. Shawki Murqos, said. "Nobody here will forget that."

This misery is a direct result of the so-called allies or United States-led imposition of U.N. sanctions against Iraq and the massive destruction of Iraq's infrastructure by United States-led allied bombing, and still we do

nothing. The United States must act now to lift these economic sanctions to save thousands upon thousands of innocent Iraqi civilians, especially children, by death from starvation and disease.

On May 30, 1991, I called on the President, via a letter, to initiate an immediate and massive international effort to establish a fund to provide food and medical relief for this dire situation resulting from the imposition of an international embargo on Iraq. I have as yet to have any substantive response. As a matter of fact, I must report that I am deeply troubled by the fact that President Bush, who on a personal basis is a very wonderful person, very admirable, very kind, and very outgoing and gregarious in his own way, but has followed the same principle as his predecessor, President Reagan.

President Reagan was the first President that did not reply to a Congressman's letter. Even Richard Nixon would. But not President Reagan. Instead you get a reply from some unknown apparatchik somewhere, probably in the White House, saying that they acknowledge receipt of the letter and that is it. So that I have no idea of what it is that we in the United States must wait before our level of consciousness is penetrated at this shocking situation that we have foremost been responsible for.

We cannot escape this. Fate, destiny cannot be escaped. It is the result of actions in which we are exalting in victory celebrations that now have lasted over 2½ times the length of the entire war. In fact, the President has asked the United Nations to continue to reinforce the sanctions which are killing the children of Iraq.

Now, we are speaking of children, babies, under age 5, dying at the rate of 500 to 1,000 a day. We cannot wait on the President until he is embarrassed into taking humanitarian action.

I think today's New York Times front page centerpiece showing this baby with the familiar swollen abdomen, like we have seen these pictures of the Africans and the other very unfortunate countries where we have had these terrible situations in which, in effect, whether we like it or not, we are perpetrating genocide.

The plight of the Kurds was ignored until the overwhelming compassion of the American people, but not until after the European press, particularly, and the French, who had physicians that had volunteered and had flown over and worked with the Kurds, compelled some action. But the whole story is not being told, as there are still thousands of innocent people starving and in dire need of medical attention in Iraq due to the failure of the United States and its allies—so-called allies—to bring about some action.

It took many deaths, the threat of many more before the administration acted on behalf of the Kurds. How many Iraqi women, children, elderly people will have to die before our leadership takes basic humanitarian action on their behalf as well? Are the Iraqi babies any less innocent than the Kurds, any less deserving of life?

A Harvard University study team just completed the first comprehensive survey of public health in postwar Iraq, and they project that at least 17,000 Iraqi children under 5 years of age will die in this coming year from the delayed effects of the Persian Gulf crisis—or war—whatever one wants to call it. This is in addition to the tens of thousands of children who have already died in Iraq in recent months. Widespread and severe malnutrition exists in Iraq. Cholera, typhoid, gastroenteritis are epidemic throughout this country.

□ 1720

There is a breakdown in the medical care system with acute shortages of medicine, equipment, and staff, water purification, sewage-disposal plants, and electrical power. All of these are in a state of incapacitation.

The war has contributed directly to this crisis. It is a consequence of the war. The destruction of Iraq's electrical infrastructure has made it almost impossible to treat sewage or purify water which means waterborne diseases flourish, and hospitals cannot treat crucial diseases.

At this point I wish to place in the RECORD a copy of the letter that I mailed to the President on May 30 of this year.

WASHINGTON, DC,
May 30, 1991.

HON. GEORGE W. BUSH,
President, United States of America, The White House, Washington, DC.

DEAR MR. PRESIDENT: I am outraged over the current situation in Iraq, and I write to demand immediate action by your Administration. You called upon our allies for contributions to help pay for our war effort—you called on them to fund death and destruction. I demand that you call immediately on our allies, and our own resources, to pay for food and medical relief for all those who continue to suffer from the effects of the war—to fund life.

The bankrupt nature of your Administration's policy in the Middle East is becoming more and more evident, as the massive starvation, widespread unrest, and disintegration of the so-called Arab unity—witness the recent withdrawal of Egypt from the coalition forces—are further exacerbating the instability worsened by the Persian Gulf War. Further, the situation in Kuwait with extended martial law makes is clear that this war had nothing to do with democracy, with justice, or with freeing the oppressed, and it had everything to do with greed—spelled o-i-l. There is a worldwide revulsion of the United States' actions of greed in the Middle East, as many innocents have suffered and died, and are suffering and dying still.

Mr. President, do not wait until you are embarrassed into taking humanitarian action, as you were in the tragic situation of the Kurds. The plight of the Kurds was ignored by your Administration until the overwhelming compassion of the American public compelled action. But the whole story is not being told, as there are still thousands of innocent people starving and in dire need of medical attention in Iraq due to U.S. and allied actions. It took many deaths and the threat of many more before your Administration acted on behalf of the Kurds; how many Iraqi women, children, and elderly people will have to die before this Administration takes basic humanitarian action on their behalf as well? A Harvard University study team just completed the first comprehensive survey of public health in postwar Iraq, and they project that at least 170,000 Iraqi children under five years of age will die in the coming year from the delayed effects of the Persian Gulf Crisis.

This is in addition to the tens of thousands of children who have already died in Iraq in recent months. Widespread and severe malnutrition exists in Iraq; cholera, typhoid, and gastroenteritis are epidemic throughout Iraq, there is a breakdown in the medical care system with acute shortages of medicines, equipment, and staff; and water purification, sewage disposal plants, and electrical power plants have been incapacitated. The Harvard report states, "There is a link in Iraq between electrical power and public health. Without electricity, water cannot be purified, sewage cannot be treated, waterborne diseases flourish, and hospitals cannot treat curable illness."

The economic embargo levied against Iraq has thwarted the availability of the most basic food stuffs and medicine to the general population. Iraq has historically been dependent on the importation of food, and before the embargo three quarters of the total calcoric intake in Iraq was imported. Moreover, 96% of Iraqi revenue to pay for imports, namely food and medicine, was derived from the exportation of oil.

The embargo enacted by United Nations Resolution 661 and strengthened by U.N. Resolution 666 has not only made food and medicine more scarce, it has led to an inflationary spiral that has priced many Iraqis completely out of the food market. The embargo has also led to the scarcity of all medicines throughout the country. The situation has only been exacerbated by the massive destruction of the entire nation's infrastructure by U.S. bombing. The destruction of the water and electrical systems means that ever greater numbers of Iraqis, especially children, will continue to die as disease spreads throughout the summer. Without the revenue from the exportation of oil, Iraq will not be able to meet the basic needs of its own population.

Therefore, an immediate and massive international effort is required to establish a fund and with it provide food and medical relief to this dire situation resultant from the imposition of an international embargo of Iraq. The most fundamental effect of the war has been the deaths of children. The most fundamental responsibility we have is to prevent more children from dying when we and our allies have the ability to help.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

Mr. Speaker, the economic embargo levied against Iraq has, I repeat, thwarted the availability of the most basic foodstuffs and medicines to the general population. Iraq's historical dependence on the importation of food has made its people especially vulner-

able to sanctions. Before the embargo, three-quarters of the total caloric intake in Iraq was because of imported food. Moreover, 96 percent of Iraq's revenue to pay for imports, namely, food and medicine, was derived from the exportation of oil.

The combined effect of the destruction of the U.S.-led war and the embargo is a tragedy that will only increase in exponential proportions. Therefore, the United States must act now to lift the economic embargo of Iraq.

Hundreds of millions of dollars were spent and millions of lives were disrupted to supposedly come to the aid of Kuwait when it suffered the aggression of Saddam Hussein. It is a stomach-turning irony that we can come to the aid of hundreds of thousands of innocent Iraqis who must live under the rule of Saddam every day without spending one red cent, yet, we refuse to do so.

The sanctions against Iraq must be lifted to save tens of thousands of lives. If we do not, the blood of these Iraqi children will be on our consciences and hands.

Mr. Speaker, I urge my colleagues to join me in this effort to save the children of Iraq.

I am also placing in the RECORD at the point four articles that, again, appeared in yesterday's Washington Post.

ALLIED AIR WAR STRUCK BROADLY IN IRAQ

(By Barton Gellman)

The strategic bombing of Iraq, described in wartime briefings as a campaign against Baghdad's offensive military capabilities, now appears to have been broader in its purposes and selection of targets.

Amid mounting evidence of Iraq's ruined infrastructure and the painful consequences for ordinary Iraqis, Pentagon officials more readily acknowledge the severe impact of the 43-day air bombardment on Iraq's economic future and civilian population. Their explanations these days of the bombing's goals and methods suggest that the allies, relying on traditional concepts of strategic warfare, sought to achieve some of their military objectives in the Persian Gulf War by disabling Iraqi society at large.

Though many details remain classified, interviews with those involved in the targeting disclose three main contrasts with the administration's earlier portrayal of a campaign aimed solely at Iraq's armed forces and their lines of supply and command.

Some targets, especially late in the war, were bombed primarily to create postwar leverage over Iraq, not to influence the course of the conflict itself. Planners now say their intent was to destroy or damage valuable facilities that Baghdad could not repair without foreign assistance.

Many of the targets in Iraq's Mesopotamian heartland, the list of which grew from about 400 to more than 700 in the course of the war, were chosen only secondarily to contribute to the military defeat of Baghdad's occupation army in Kuwait. Military planners hoped the bombing would amplify the economic and psychological impact of international sanctions on Iraqi society, and thereby compel President Saddam Hussein to withdraw Iraqi forces from Kuwait without a ground war. They also hoped to incite Iraqi citizens to rise against the Iraqi leader.

Because of these goals, damage to civilian structures and interests, invariably described by briefers during the war as "collateral" and unintended, was sometimes neither. The Air Force and Navy "fraggers" who prepared the daily air-tasking orders in Riyadh, Saudi Arabia, took great care to avoid dropping explosives directly on civilians—and were almost certainly more successful than in any previous war—but they deliberately did great harm to Iraq's ability to support itself as an industrial society.

The worst civilian suffering, senior officers say, has resulted not from bombs that went astray but from precision-guided weapons that hit exactly where they were aimed—at electrical plants, oil refineries and transportation networks. Each of these targets was acknowledged during the war, but all the purposes and consequences of their destruction were not divulged.

Among the justifications offered now, particularly by the Air Force in recent briefings, is that Iraqi civilians were not blameless for Saddam's invasion of Kuwait. "The definition of innocents gets to be a little bit unclear," said a senior Air Force officer, noting that many Iraqis supported the invasion of Kuwait. "They do live there, and ultimately the people have some control over what goes on in their country."

"When they discuss warfare, a lot of folks tend to think of force on force, soldier A against soldier B," said another officer who played a central role in the air campaign but declined to be named. Strategic bombing, by contrast, strikes against "all those things that allow a nation to sustain itself."

For the Air Force, the gulf war finally demonstrated what proponents of air power had argued since Gen. Billy Mitchell published "Winged Defense" in 1925: that airplanes could defeat an enemy by soaring over his defensive perimeter and striking directly at his economic and military core.

For critics, this was the war that showed why the indirect effects of bombing must be planned as discriminately as the direct ones. The bombardment may have been precise, they argue, but the results have been felt throughout Iraqi society, and the bombing ultimately may have done as much to harm civilians as soldiers.

Pentagon officials say that military lawyers were present in the air campaign's "Black Hole" planning cell in Riyadh and emphasize that bombing followed international conventions of war. Defense Secretary Richard B. Cheney, at a recent breakfast with reporters, said every Iraqi target was "perfectly legitmate' and added "If I had to do it over again, I would do exactly the same thing."

A growing debate on the air campaign is challenging Cheney's argument on two fronts.

Some critics, including a Harvard public health team and the environmental group Greenpeace, have questioned the morality of the bombing by pointing to its ripple effects on noncombatants.

The Harvard team, for example, reported last month that the lack of electrical power, fuel and key transportation links in Iraq now has led to acute malnutrition and "epidemic" levels of cholera and typhoid. In an estimate not substantively disputed by the Pentagon, the team projected that "at least 170,000 children under five years of age will die in the coming year from the delayed effects" of the bombing.

Military officials assert that allied aircraft passed up legitimate targets when the costs to Iraqi civilians or their society would be too high, declining for instance to strike an Iraqi MiG–21 parked outside an ancient mosque. Using the same rationale, the critics argue that the allies should not have bombed electrical plants that powered hospitals and water treatment plants.

"I think this war challenges us to ask ourselves whether or not the lethality of conventional weapons in modern urban, integrated societies isn't such that . . . what is 'legitimate' is inhumane," said William M. Arkin, one of the authors of the Greenpeace report.

A second line of criticism, put forth by some outside analysts of air power and prevalent in not-for-quotation interviews with Army officers, questions the relevance of some forms of "strategic" bombing to a campaign in which the enemy will not have time to regenerate military strength.

Historians Robert A. Pape Jr. and Caroline Ciernke, noting that the U.S. Central Command planned for only 30 days of bombing, say the vital targets were existing stocks of supply and the system of distribution. A campaign to incapacitate an entire society, they say, may be inappropriate in the context of a short war against a small nation in which the populace is not free to alter its leadership.

"If you're refighting World War I or II, where literally years of combat are required to defeat your adversary, then destroying industrial infrastructure makes some sense," Pape said. "When you destroy the industrial infrastructure, the effects on the opponent's military power don't show up for quite a while. What shows up immediately is losses to the civilian sector, because that's what states sacrifice first."

Among the remaining questions about the air strategy is the extent of the administration's top civilians' participation in planning the bombardment. President Bush stressed during the war that he left most of the fighting decisions to the military.

Cheney, for his part, rejects any talk of second thoughts on the bombing.

"There shouldn't be any doubt in anybody's mind that modern warfare is destructive, that we had a significant impact on Iraqi society that we wished we had not had to do," he said. Once war begins, he added, "while you still want to be as discriminating as possible in terms of avoiding civilian casualties, your number one obligation is to accomplish your mission and to do it at the lowest possible cost in terms of American lives. My own personal view is that there are a large number of Americans who came home from the war . . . who would not have come home at all if we had not hit the strategic targets and hit them hard."

Preliminary planning for the bombing campaign began before Iraq even invaded Kuwait last Aug. 2. A war game last July at Shaw Air Force Base in South Carolina, based on a notional "Southwest Asia contingency" with Iraq as the aggressor, identified 27 strategic targets in Iraq, according to a senior intelligence official, Revisions by analysts beginning five days after the invasion built the lists to 57 and then 87 strategic targets, not including the Iraqi forces in Kuwait.

By the time the gulf war started on Jan. 17, according to sources with access to the target list, slightly more than 400 sites had been targeted in Iraq. They were heavily concentrated in a swath running northwest to southeast between the Tigris and Euphrates rivers.

With the benefit of additional intelligence gathered during the war and additional

bombing capacity—the number of B-52 bombers was increased twice and the number of F-117A "stealth" fighters grew to 42—the list expanded to more than 700 targets. They were divided into 12 sets: leadership; command, control and communications; air defense; airfields; nuclear, biological and chemical weapons; railroads and bridges; Scud missiles; conventional military production and storage facilities; oil; electricity; naval ports; and Republican Guard forces.

Most of those target sets were not controversial. Recent questions have centered on two categories: electrical and oil facilities.

Of the 700 or so identified targets, 28 were "key nodes" of electrical power generation, according to Air Force sources. The allies flew 215 sorties against the electrical plants, using unguided bombs, Tomahawk cruise missiles and laser-guided GBU-10 bombs.

Between the sixth and seventh days of the air war, the Iraqis shut down what remained of their national power grid. "Not an electron was flowing," said one target planner.

At least nine of the allied attacks targeted transformers or switching yards, each of which U.S. analysts estimated would take about a year to repair—with Western assistance. In some cases, however, the bombs targeted main generator halls, with an estimated five-year repair time. The Harvard team, which visited most of Iraq's 20 generating plants, said that 17 were damaged or destroyed in allied bombing. Of the 17, 11 were judged total losses.

Now nearly four months after the war's end, Iraq's electrical generation has reached only 20 to 25 percent of its prewar capacity of 9,000 to 9,500 megawatts. Pentagon analysts calculate that the country has roughly the generating capacity it had in 1920—before reliance on refrigeration and sewage treatment became widespread.

"The reason you take out electricity is because modern societies depend on it so heavily and therefore modern militaries depend on it so heavily," said an officer involved in planning the air campaign. "It's a leveraged target set."

The "leverage" of electricity, from a military point of view, is that it is both indispensable and impossible to stockpile. Destroying the source removes the supply immediately, and portable backup generators are neither powerful nor reliable enough to compensate.

Attacks on some electrical facilities, officers said, reinforced other strategic goals such as weakening air defenses and communications between Baghdad and its field army.

But two weeks into the air campaign, Army Gen. H. Norman Schwarzkopf, who commanded allied forces during the gulf war, said "we never had any intention of destroying 100 percent of all the Iraqi electrical power" because such a course would cause civilians to "suffer unduly."

Pentagon officials declined two written requests for a review of the 28 electrical targets and explanations of their specific military relevance.

"People say, 'You didn't recognize that it was going to have an effect on water or sewage,'" said the planning officer. "Well, what were we trying to do with [United Nations-approved economic] sanctions—help out the Iraqi people? No. What we were doing with the attacks on infrastructure was to accelerate the effect of the sanctions."

Col. John A. Warden III, deputy director of strategy, doctrine and plans for the Air Force, agreed that one purpose of destroying Iraq's electrical grid was that "you have imposed a long-term problem on the leadership that it has to deal with sometime."

"Saddam Hussein cannot restore his own electricity," he said. "He needs help. If there are political objectives that the U.N. coalition has, it can say, 'Saddam, when you agree to do these things, we will allow people to come in and fix your electricity.' It gives us long-term leverage."

Said another Air Force planner: "Big picture, we wanted to let people know, 'Get rid of this guy and we'll be more than happy to assist in rebuilding. We're not going to tolerate Saddam Hussein or his regime. Fix that, and we'll fix your electricity.'"

Lt. Gen. Charles A. Horner, who had overall command of the air campaign, said in an interview that a "side benefit" was the psychological effect on ordinary Iraqi citizens of having their lights go out.

Attacks on Iraqi oil facilities resulted in a similar combination of military and civilian effects.

Air Force sources said the allies dropped about 1,200 tons of explosives in 518 sorties against 28 oil targets. The intent, they said, was "the complete cessation of refining" without damaging most crude oil production.

Warden, the Air Force strategist, said the lack of refined petroleum deprived Iraq's military of nearly "all motive power" by the end of the war. He acknowledged it had identical effects on civilian society.

Among the targets were: major storage tanks; the gas/oil separators through which crude oil must pass on its way to refineries; the distilling towers and catalytic crackers at the heart of modern refineries; and the critical K2 pipeline junction near Beiji that connects northern oil fields, an export pipeline to Turkey and a reversible north-south pipeline inside Iraq.

Of Iraq's three large modern refineries, the 71,000 barrel-a-day Daura facility outside Baghdad and the 140,000 barrel-a-day Basra plant were badly damaged early in the war, according to a forthcoming report by Cambridge Energy Research Associates. But James Placke, the report's author, said in an interview that the 300,000 barrel-a-day refinery at Beiji in northern Iraq—far from the war's main theater of operations—was not bombed until the final days of the air campaign.

Horner, the three-star general who was ultimately responsible for the air campaign, said the bombing's restraint was evidenced by the decision not to destroy crude oil production, "the fundamental strength of that society." Even so, he said, the impact of the war on Iraqi civilians was "terrifying and certainly saddening."

"To say it's the fault of the United States for fighting and winning a war, that's ludicrous," he said. "War's the problem. It's not how we fought it or didn't fight it. I think war's the disaster."

[From the Washington Post, June 23, 1991]

IRAQI DEATH TOLL REMAINS CLOUDED—BAGHDAD PROMISES FIGURES

(By Caryle Murphy)

BAGHDAD, Iraq, June 22—In the early hours of Jan. 17, when Operation Desert Storm broke over Baghdad's sky, pandemonium also broke out in Saddam Central Teaching Hospital. According to hospital director Qassim Ismail, panicked mothers grabbed their infants and children from incubators and intravenous drips and fled to the basement.

"Most mothers left their hospital beds in a panic way," Dr. Ismail recalled in an interview. "You know, they were afraid. They took their babies from incubators, from the drips, to the basement, which is a great mistake. We couldn't stop them. It was very cold. We lost so many premature [babies]." Pressed for numbers, Ismail said "about 45" babies died "in the first eight hours." Two children brought in that night with head injuries both died, Ismail said.

After that first night, mothers fled the hospital out of fear. "We couldn't stop them from leaving. . . . even the critically ill," he added.

The first night's chaos—and the resulting confusion about casualties—illustrates one of the enduring mysteries of the Persian Gulf War. Nearly four months after the war ended, there still is uncertainty about how many Iraqis died during the fighting and in the brief internal revolts that followed.

The Iraqi death toll is a mystery that neither Washington nor Baghdad has seemed eager to solve.

The Pentagon has estimated that 100,000 Iraqi soldiers were killed in the war, but has issued no estimate of Iraqi civilian deaths. A preliminary estimate by Iraqi officials was that 7,000 civilians died during the air campaign. Iraqi opposition groups' estimates of fatalities during the month-long fighting between Shiite Muslim rebels and government forces in southern Iraq after the war ranged from 30,000 to 100,000. Thousands more died in the suppression of a Kurdish revolt in northern Iraq.

Although there are few statistics and little hard information to go on, some foreign observers here and Iraqi specialists abroad have come to some tentative conclusions about the death toll:

The revolts by Shiite Muslims in the south and by Kurds in the north may have resulted in more military and civilian deaths than the allied air and ground war against Iraqi forces known as Operation Desert Storm, these sources suggest. And most agree that the largest number of casualties were in the south, where fighting between Iraqi troops and the rebels were bloodiest.

There are suspicions that Iraqi military deaths in Operation Desert Storm were much lower than the U.S. estimate. These suspicions rest on several factors.

First, the lists of identified Iraqi bodies buried on the battlefield, presented to the Iraqi government by U.S. and British military officials, contained only 458 names. And a list of burial sites in the Kuwaiti and Iraqi deserts that hold unidentified Iraqi remains named only a few locations.

One observer, who asked not be identified, said he takes this to mean that either six weeks of air attacks did not kill a large number of Iraqi soldiers, or that the Iraqis—under relentless bombing—were able to transport home thousands of bodies. The exact number of Iraqi war dead, he said, "may turn into an American secret" if indeed very few were killed.

Second, although civilian hospitals in Baghdad had been readied to receive an overflow of military casualties from the Iraqi military medical system during the war, an overflow did not materialize until mid-March, according to one source. This was when Iraqi troops were violently suppressing the Shiite rebellion in the south.

[In late March, U.S. military officials announced that American forces had buried 444 Iraqi soldiers at 55 sites on the battlefield. They would not say how many Iraqis were buried by British or Saudi forces, including Saudi "burial teams" operating under U.S. and allied command, staff writer R. Jeffrey Smith reported.

[Pentagon spokesman Pete Williams said Friday that the number of Iraqis buried by American forces has risen to 577.

[Five major burial sites were used by the Saudis, according to the Pentagon's announcement in March. Saudi officials, like the Americans, supplied such details as grid coordinates, number of bodies, and as much personal data as possible to the International Committee of the Red Cross, which forwarded it to the Iraqi government.

[The estimate of 100,000 Iraqi soldiers killed during Desert Storm was announced May 22 by the Defense Intelligence Agency. The DIA said, however, that the "error factor" in this estimate was 50 percent or higher, meaning that fewer than 50,000 or more than 150,000 may have been slain.]

Measuring the death toll's impact on Iraqi society is also difficult, partly because of the constraints Iraqis feel in speaking to foreigners. Accustomed to the secrecy of their government, Iraqi residents of this capital city appear to accept the missing casualty figures as something they can do little about.

Morever, many Iraqis seem more preoccupied with a daily battle to survive in the face of rising food prices and shortages as the economic embargo on their country continues to squeeze supplies.

The deaths "certainly affected them very much," said one foreign observer here. "But now they are suffering more from other things. Prices are crazy. I don't know how people can live here."

A reporter's attempt to gather information on war-related deaths yields few certainties or facts, though it offers some revealing glimpses of the emotional events in recent months here.

Qusay Khayat, 43, a renal specialist trained in England, is director of Baghdad's Yarmouk Medical Office, which includes two large teaching hospitals.

On Jan. 17, Khayat said, "I left the hospital about 12:30 a.m. I went home. I was exhausted and tired from preparing for the war. I had no appetite. My daughter said, 'Why don't you sit with us?' I said 'No, I will go to bed because I'm expecting an early wakeup tonight.'

"At 2:30 a.m., again my daughter came and said, 'Daddy, wake up. The war had started.' So I went outside the house. Really the war had started. I saw anti-aircraft missiles and I heard them. All the sky was full of missiles and you didn't know which [ones were] coming down and which were going up."

Khayat said his hospital, some of whose staff members walked to work, received between 120 and 130 wounded civilians that first night, mostly women and children. He said he was not allowed to say how many Iraqis died at his hospital during the six-week air war.

"I lived in this room during the war. My bed was there," he said, pointing to a corner. "And nearly every day, with every air raid, this whole hospital was shaking and every time I was saying, 'The hospital will fall down.' It's an old one."

The first deputy minister at the Ministry of Health, Shawqui Sabri Murqus, said "thousands and thousands" of civilians died in hospitals during the war months. But he declined to give the exact figure, saying he expects it to be released soon.

"I hope in a few days we can announce [the civilian death toll]. I think we will do [so]. You know, the actual number should be a correct one, based on correct data. . . . We will announce that for sure."

But Murqus, like most Iraqi officials, portrayed the rebellions that followed Desert Storm as a continuation of a foreign attack on his country. The uprisings, he said, were the "third page of the aggression." Given this, it is not clear whether the civilian death figures will distinguish between Desert Storm and the uprisings.

AMARIYA: WHERE ONE RAID KILLED 300 IRAQIS

(By Caryle Murphy)

BAGHDAD, Iraq, June 22—The thick, windowless walls of the Amariya air raid shelter bake in the hot, dusty wind of Baghdad's summer, and the squat building sits silent and brooding as a tomb in a neighborhood of mourners.

Here, on Feb. 13, more than 300 Iraqis were killed, most of them instantly incinerated, when U.S. bombers struck what U.S. officials maintain was a military command post. Many Iraqis, particularly those who lost relatives, angrily disagree, saying they believe the Americans knew it held civilians and struck anyway.

"If you talk all the days, it is not enough to express our feelings about this problem," said 17-year-old Ahmed Diaya, who was burned on his back but survived the explosion. His sister, Shayma, 18, died. Diaya and his mother say they don't believe the American version.

By Iraqi standards, Amariya is a middle-class neighborhood populated mostly by civil servants. The shelter is a rock of a building. Externally, one can only tell it has been damaged by looking closely at the roof.

Around it, scores of homes are decked with black bunting that lists the family members who died. One house is locked shut, all its occupants perished in the bombing. On one street, 50 people were killed. One man who lost his whole family is said to have committed suicide.

One foreigner who asked not to be identified said he was awake from a previous air raid when the shelter attack occurred at 4:30 a.m. on Feb. 13. The blast, he said, "was seismic. It didn't produce a flash, [as other explosions normally did]. My bed shook . . . . moments later, I heard the second bomb."

Unlike other air attacks, he said, this one drew no sirens or antiaircraft fire, leading him to suspect that radar-evading Stealth planes were used.

Ahmed Joodi, 17, lost his parents, a niece and three sisters in the bombing. He said the shelter "wasn't open" to the public the first two nights of the U.S. air campaign. But another Baghdad resident said several Iraqis told him the shelter had been used by civilians since the beginning of the air war.

After two days of the air war, Joodi's family fled Baghdad for the countryside, and only returned about two weeks later when his father called him back, Joodi said, adding "life in Baghdad was normal." Find the shelter open, they stayed there just to be sure, even though homes in the neighborhood were not being targeted by the Americans, he said.

AIR FORCE HUNTED MOTOR HOME IN WAR'S "GET SADDAM" MISSION

(By Patrick J. Sloyan)

Military commanders conducted a massive search during the Persian Gulf War for an American-made motor home used by Iraqi President Saddam Hussein, according to U.S. military officials.

"We really went after him," one general said of the search for Saddam's forest-green "Wanderlodge," a type of luxury vehicle favored by celebrities such as country singer Johnny Cash and movie star Tom Cruise.

What the military called an intense "Get Saddam" operation is at odds with statements by President Bush and his top aides that the United States was really after Iraq's military leadership—not Saddam, the individual. But the wily, often baffling Iraqi leader escaped death at least twice while a top-priority target for missiles and warplanes hunting for the $350,000 motor home Saddam used as a mobile command center.

In the opening hours of the war on Jan. 17, Tomahawk cruise missiles and F-117A "stealth" fighter-bombers destroyed command bunkers Saddam was using in Baghdad. American hopes soared when he failed to appear in public for three days.

"Close, but no cigar," said one Pentagon planner of the bunker strikes.

After most command bunkers were destroyed, U.S. Air Force planes were divided into hunter-killer teams and patrolled areas likely to be traveled by Saddam's mobile command center. According to one Air Force officer, the search at one point rivaled allied efforts to destroy Scud missiles sites in Iraq.

While the search for the Wanderlodge failed, Saddam had a brush with death midway in the war, according to military officials. Two F-16 Falcon pilots on a routine patrol unwittingly strafed his motorcade between Baghdad and Basra, Iraq. "It was at night and we had spotted a 50-vehicle convoy," a senior U.S. officer said.

The fighter strafed the front and rear of the motorcade but Saddam's vehicle was in the middle and went undamaged.

The luxury bus was identified by U.S. intelligence before the war from a photograph of Saddam being briefed inside cramped quarters. The Baghdad government, which released the photo Jan 11, identified the location as an underground operations room in southern Iraq. But the Fort Valley, Ga., builders of the motor home identified the room as the stripped-down interior of a Wanderlodge. The company sold nine of the vehicles to Iraq during the 1980s.

Eventually, two Wanderlodges used by Iraqi generals were destroyed by U.S. troops during the ground war.

I am also submitting the Talk of the Town article from the New Yorker, in the week before last edition, and I am going to quote significantly from it, because it was a very insightful article, very brief, but very incisive.

It says:

Three months after United States Marines liberated Kuwait City, the victors of Operation Desert Sortm are still being honored across the country. By July 4th, which President Bush has declared a special day to honor the troops, the ceremonies will have lasted twice as long as the hostlities. During these months, the war has become domesticated; Desert Storm seems now to have had less to do with Kuwait or Iraq than with America's resurgence—how Americans "kicked the Vietnam syndrome once and for all,"—

And that is a quote from President Bush's speech—

and learned to pull together once again. Meanwhile, the real aftermath of the war—its effects on Iraq and Kuwait and parts of the Middle East—has steadily receded from our view. On the day when judges in Kuwait City sentenced a young Iraqi man to fifteen years in prison for wearing a Saddam Hussein T-shirt, Hollywood was congratulating the victorious American troops and parading an M-1 Abrams tank and a Patriot missile

alongside Roseanne Barr and Jimmy Stewart.

The war—or, rather, the victory—gained the Prsident enormous popularity, and for most of the country the entire event has become an occasion for patriotic good feeling. Desert Storm has been reduced to a single, simple plot line, acted out by a few stock characters: the mad dictator, the resolute President, the heroic soldiers, the grateful citizenry. Details—the former intimate relations between the United States and Saddam Hussein's Iraq.

And I brought that out in several expositions on the financing through the United States banking system of millions of dollars for Iraq's war capacity. It is really a schizophrenic history of our country's comportment, so this man is absolutely right.

Unfortunately, the muddled world our of which the Gulf crisis spring last summer has gained little in clarity since the Marines marched into Kuwait City. United States policy in the Gulf has not fundamentally changed: its goal is to maintain at all costs "a secure and stable Gulf" (in Mr. Bush's phrase), in order to shelter the fragile, oil-producing, conservative Sunni regimes of the Arabian peninsula. That goal led President Nixon to anoint the Shah of Iran America's "policeman of the Gulf," and, after the Shah was overthrown, it drove Presidents Reagan and Bush to support Saddam Hussein's Iraq, which they saw as a bulwark against the ideological threat posed by the Ayatollah Khomeini and by the possibility that his Shiite revolution might spread through the Gulf. That same goal subsequently led President Bush to stand politely aside while Saddam Hussein—who he had denounced as worse than Hitler—crushed the Shiite and Kurdish uprisings in his country.

Increasingly, the victory of Desert Storm seems to be leading not so must to a secure and stable Gulf as to an Americanized one. While twelve thousand American troops protect the Kurds in Saddam's Iraq, and five thousand work to keep the Emir's Kuwait functioning, American officials have begun murmuring about establishing a new United States base in Bahrain, about a "prepositioning" of equipment in Saudi Arabia and elsewhere, about regular "joint exercises" involving American troops in the Arabian desert. But many of the threats to "stability" in the Gulf hinge on the weaknesses of the rigid, undemocratic regimes there, and regular visits from the United States Marines, far from removing those threats, might well heighten them.

[From the New Yorker]

THE TALK OF THE TOWN

NOTES AND COMMENT

Three months after United States Marines liberated Kuwait City, the victors of Operation Desert Storm are still being honored across the country. By July 4th, which President Bush has declared a special day to honor the troops, the ceremonies will have lasted twice as long as the hostilities. During these months, the war has become domesticated; Desert Storm seems now to have had less to do with Kuwait or Iraq than with America's resurgence—how Americans "kicked the Vietnam syndrome once and for all," in President Bush's phrase, and learned to pull together once again. Meanwhile, the real aftermath of the war—its effects on Iraq and Kuwait and other parts of the Middle East—has steadily receded from our view. On the day when judges in Kuwait City sentenced a young Iraqi man to fifteen years in prison for wearing a Saddam Hussein T-shirt, Hollywood was congratulating the victorious American troops and parading an M-1 Abrams tank and a Patriot missile alongside Roseanne Barr and Jimmy Stewart.

The war—or, rather, the victory—gained the President enormous popularity, and for most of the country the entire event has become an occasion for patriotic good feeling. Desert Storm has been reduced to a single, simple plot line, acted out by a few stock characters: the mad dictator, the resolute President, the heroic soldiers, the grateful citizenry. Details—the former intimate relations between the United States and Saddam Hussein's, Iraq, for example—remain unexplored. Congress, which might have been expected to investigate the dubious American diplomacy that preceded Iraq's invasion of Kuwait, largely abdicated its responsibility in the face of Desert Storm's high ratings. The roots of the war—why it actually happened—now attract the interest only of specialists and spoilsports.

Unfortunately, the muddled world out of which the Gulf crisis sprang last summer has gained little in clarity since the Marines marched into Kuwait City. United States policy in the Gulf has not fundamentally changed: its goal is to maintain at all costs "a secure and stable Gulf" (in Mr. Bush's phrase), in order to shelter the fragile, oil-producing, conservative Sunni regimes of the Arabian peninsula. That goal led President Nixon to anoint the Shah of Iran America's "policeman of the Gulf," and, after the Shah was overthrown, it drove Presidents Reagan and Bush to support Saddam Hussein's Iraq, which they saw as a bulwark against the ideological threat posed by the Ayatollah Khomeini and by the possibility that his Shiite revolution might spread through the Gulf. That same goal subsequently led President Bush to stand politely aside while Saddam Hussein—whom he had denounced as worse than Hitler—crushed the Shiite and Kurdish uprisings in his country.

On March 6th, a week after the ceasefire, the six Gulf states met in Damascus with Syria and Egypt and issued a call for "a new Arab order to boost joint Arab action." The essence of the new order was a plan to maintain Egyptian and Syrian troops "in the Saudi territories and other Arab countries in the Gulf," so as to "guarantee the security and peace of Arab countries in the Gulf region." The presence of Egyptians and Syrians, it was hoped would eliminate any need for substantial American forces, with the political damage that their continued presence would entail. More important, the structure of the new Arab order—with Egypt and Syria sending troops to the Gulf, and the Gulf countries sending some of their wealth to Cairo and Damascus—might help to bridge the most dangerous fault line in the Arab world: that between the overpopulated, impoverished nations of the north and the underpopulated, oil-rich nations of the south. (Iraq, the source of the region's most recent upheaval, stands astride this fault line—as well as that between the Sunnis and the Shiites—and it's no accident that Saddam Hussein, after invading Kuwait, hoped to attract Arab sympathies by pointing to this basic inequality as his reason for doing so; he was very well aware that the fabulous wealth of the Gulf states and the greed and arrogance perceived as accompanying it engender great resentment in the rest of the Arab world.)

On May 8th, however, President Mubarak announced that he was pulling Egyptian troops out of the Gulf. The decision, Egyptian political and military officials told the Washington Post, reflected "Egypt's impatience with Saudi and Kuwaiti foot-dragging." Now that the war was over, the Gulf states were not so eager to play host to their Arab brothers from the north, and were still less eager to pay for their presence. Besides, a Gulf diplomat was quoted in the Post as saying, "who's going to attack you if they know the United States will come and protect you?" The Gulf states, an Arab journalist said in the same story, "want blue-eyed soldiers to protect them." The comment recalls that of a "senior Gulf official" quoted in the Wall Street Journal just before the war began. "You think I want to send my teen-aged son to die for Kuwait?" he asked, then chuckled. "We have our white slaves from America to do that."

Increasingly, the victory of Desert Storm seems to be leading not so much to a secure and stable Gulf as to an Americanized one. While twelve thousand American troops protect the Kurds in Saddam's Iraq, and five thousand work to keep the Emir's Kuwait functioning, American officials have begun murmuring about establishing a new United States base in Bahrain, about a "prepositioning" of equipment in Saudi Arabia and elsewhere, about regular "joint exercises" involving American troops in the Arabian desert. But many of the threats to "stability" in the Gulf hinge on the weaknesses of the rigid, undemocratic regimes there, and regular visits from the United States Marines, far from removing those threats, might well heighten them. And for the United States, barely a year after the end of the Cold War seemed to offer the promise of a reduced military budget and a greater attention to domestic problems, the Gulf War has brought a greater burden abroad and the strong likelihood of further entanglements in the Middle East. Beyond the parades and the celebrations of national self-renewal, this is the real legacy of Desert Storm.

And at that, I will close my reading from this very insightful article and say this, that there were some fundamental principles to American constitutional government involved in that war. They were chosen to be overlooked by the people's representatives.

I introduced two resolutions. I directed two letters to the leaders of the Congress in August, not later, but in August, because it was obvious that the President had made a quick, almost a snap-judgment decision at Camp David on August 2 and 3.

I felt that it was going to be a repeat of Panama. Where are we there?

We have General Manuel Antonio Noriega over there in Florida. It is going to be embarrassing to us all before that is over with, but more importantly: Do the American people realize the hundreds of children maimed, blinded, halt, lame that we caused by the pointless bombing of the Chorillo district? It was 100 percent black, you know, so that the 10 percent of the upper class of the Panamanians could care less.

□ 1730

They are the ones we have reinstalled in power. We have two-thirds of the American troops at the height of the invasion still in Panama. Do not let

anybody delude Members. That is two-thirds of the top complement at the height of the invasion of American troops. We are occupying Panama and our military are governing Panama. If that is democracy, then we have made a mockery of that word.

Why? I belive for the same reason that we still have thousands of troops in Arabia, not counting those in Kuwait and in North Iraq, and not counting those on the seas. No thought was given to what do we do afterwards. As this article points out, the Middle East is far from stabilized. In fact, it has been so terribly destabilized, that even the alliance is coming apart. Egypt has withdrawn from the alliance. That was not reported until weeks after the occurrence in the American press, and only, I am sure, because the European press has been full of it.

So that when we go to war this way, where a President on his own, without consultation with the Congress and in the Congress, by the time it decides to even discuss, not pass on the constitutionality, not discuss its own laws which were passed specifically to govern in these instances, but merely either to vote loyalty to the President or not. That was the issue, the so-called great debate we had, on whether to go to war. It was not a debate on that, but it was a debate on whether we were going to support the President or not. The President had already committed the troops. He committed twice the number on November 8 that he had announced on August 2 and 3.

So the issue has escaped, and I think with grave consequences to this country. Perhaps it is like Shakespeare says, when a nation becomes arrogant and blinded to itself in its arrogance, it has its eyes sealed by the gods, and struts to its own confusion and becomes a laughing stock to the world.

Mr. Speaker, at this point I insert for the RECORD a resolution expressing the sense of the House of Representatives that the House should act on an emergency basis to lift the economic embargo of Iraq.

H. RES. 180

Whereas reports from the United Nations, the Physicians for Human Rights, the International Red Cross, a Harvard study team, other independent organizations, and private U.S. citizens have documented the fact that unless the economic sanctions imposed against Iraq are immediately lifted and Iraq is allowed to buy and import food, medicine and equipment, especially for power generation, tens of thousands if not hundreds of thousands of Iraqi civilians will die in the upcoming months;

Whereas a Harvard study team estimates that at least 170,000 Iraqi children under the age of five will die within the next year from the delayed effects of the war in the Persian Gulf if the imposition of the sanctions continues;

Whereas this is a conservative estimate and does not include tens of thousands of Iraqi civilians above the age of five who are expected to die from similar causes;

Whereas the Catholic Relief Service estimates that more than 100,000 Iraqi children will die from malnutrition and disease in the upcoming months due to the economic embargo and destruction of the war, and the United Nations Children's Fund estimates that 80,000 Iraqi children may die from these causes;

Whereas malnutrition has become severe and widespread in Iraq since imposition of the embargo and the war due to severe food shortages and the inflation of food prices of up to 1000%, which has effectively priced many Iraqis, especially the poor and disadvantaged, out of the food market;

Whereas cholera, typhoid, and gastroenteritis have become epidemic throughout Iraq since the war due to the critical scarcity of medicine and the inability of Iraq to process sewage and purify the water supply;

Whereas the system of medical care has broken down in Iraq, resulting in the closure of up to 50% of Iraq's medical facilities due to acute shortages of medicines, equipment, and staff;

Whereas the incapacitation of 18 of Iraq's 20 power plants during the war is a principal cause of the deterioration in public health due to the resultant inability of Iraq to process sewage, purify its water supply, and supply electricity to health facilities;

Whereas the health care crisis cannot be addressed without the reconstruction of electrical facilities that enable the purification of water and treatment of sewage;

Whereas before the economic embargo of Iraq, three quarters of the total caloric intake in Iraq was imported and, moreover, 96% of Iraqi revenue to pay for imports, namely food and medicine, was derived from the exportation of oil now prohibited under the embargo;

Whereas Iraq's historic dependence on the importation of food and medicine financed by revenue from the sale of oil has made Iraq particularly vulnerable to the deleterious effects of the sanctions;

Whereas the onset of the summer heat in Iraq will both accelerate the spread of disease and impede its treatment due to the lack of refrigeration facilities even in hospitals;

Whereas the acute shortages in food in Iraq, the inflation of up to 1000% in food prices caused by these shortages, the critical scarcity of medicine, and the essential need to reconstruct Iraq's capacity to generate electricity to enable sewage treatment and water purification, cannot be addressed or rectified without Iraq's re-entry into global commerce, at present effectively prohibited by the economic sanctions;

Whereas the immediate lifting of the sanctions would drastically reduce the number of Iraqi children who will die in the upcoming months from malnutrition and disease and would relieve the suffering of the innocent Iraqi population which is now bearing the burden of the embargo: Now therefore, be it

Resolved by the House of Representatives, That the United States should act on an emergency basis to lift the economic embargo of Iraq to save innocent Iraqi civilians, especially children, from death by disease and starvation.

POSTCOLD WAR ERA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I did a special order last Thursday which was somewhat truncated because the Committee on Banking, Finance and Urban Affairs, so ably and conscientiously chaired by the previous speaker, was having a markup, and I wanted to get back to it. I will be doing this today and several other times this week and I want to explain, Mr. Speaker, that I have not suddenly been seized by an urge to make speeches to empty chairs.

I think we are at a very important point in American history. The dominant event of the past 45 years was the cold war, the effort of the United States to defend itself and much of the rest of the world against the Soviet Union and its allies. People can differ as to who was right and who was wrong and all of that. My view is that the United States was on the correct side of that fundamental issue and of most of the specific disputes that grew out of it. However, I do not think there is room for dispute about the fact that it is over.

On the other hand, what we have got is an insufficient recognition of what the ending of the cold war means to this country. What I want to do today and for the next couple of times when I am at this microphone during this period, is to address that.

As a Member of this House primarily because I think the opportunities we have in public policy to do a number of things that we have long left undone is enormous, because of the victory of the United States in the cold war, but also as a Democrat, one of the valid, relevant functions of this institution is to present to the American people, Mr. Speaker, competing views of the two parties. I think there is an agenda that the Democratic Party has had for some time which has a great deal of appeal, both in terms of substance and politically, it has been deferred by other claims on resources. That agenda now becomes realistic. The ending of the cold war need not have engendered partisan differences about what it has to do.

I think the response of President Bush, which is in line with the approach of his predecessor, Ronald Reagan, and the support President Bush gets for that approach from the overwhelming majority of Members of his party in both this body and the other body, they differ very much, I believe, with the viewpoint that will come from a majority of Democrats. Members can already begin to see this in some votes. We voted earlier this year when we had burdensharing day in the House, in which, during the consideration of the Committee on Armed Services bill, the gentlewoman from Colorado, the gentleman from North Dakota, the gentleman from Connecticut [Mr. GEJDENSON], the gentleman from Illinois [Mr. DURBIN], the gentleman from Texas [Mr. BRYANT], the gentlewoman from New York [Ms.

SLAUGHTER], myself and others presented a variety of amendments in which we said, essentially, that the American taxpayer should no longer have to pick up the tab for wealthy allies in western Europe and Japan, that the ending of the cold war ought to have some financial relief in it for America, that the American taxpayer was entitled not to a peace dividend but a victory dividend, not a peace dividend that celebrates a world totally at peace because as greatly as I would like to see that, we are not there, but a world where America has succeeded overwhelmingly, indisputably, in the major task we had set ourselves internationally for the past 45 years. The question was, could we make some changes in the degree of sacrifice we were asking the American people to make in that regard.

On one of the key votes, an amendment that I offered, which would have saved $8 billion, to be made up by our allies if necessary, but was to come at the President's choosing, not the amount of $8 billion, but how we reached it in western Europe, Japan, South Korea, areas where we have been spending a great deal for a very long time, where the allies are wealthy and the threat substantially diminished, particularly in Europe and Japan. This amendment lost, Mr. Speaker, but it got a significant majority of Democratic votes in this House.

It was the recipient of less than 10 percent of the votes on the Republican side. That is, we lost because a significant majority of Democrats was defeated by an overwhelming majority of Republicans. That issue is not going away. It is coming back. That is what I want to talk about today and for the next few days, the extent to which America's victory in the cold war has transformed the situation, the extent to which President Bush refuses to act on that, and the opportunity that it offers, both to the country in terms of responses to important problems and to the Democratic Party in light of the President's refusal to take advantage of it.

The United States has been spending vast sums on its military budget for many years. In percentage of our gross national product, we have greatly exceeded that of our allies on the whole. We have not spent as much of our gross national product on the military as the Russians have of theirs, but given the enormous disparity between the size of the American economy and the size of the Russian economy, a smaller percentage of ours came out to more dollars than theirs, certainly more useful dollars. People will argue about why the cold war ended as it did. That is the secondary argument. I will be glad to engage in it, but it is secondary to the fact that the cold war is over and that the United States can now, and in this has got to be the starting point for the next decade of political debate, the recognition that the United States can now substantially reduce the amount of money it spends on military defense without jeopardizing by an iota—whatever an "iota" is, I am not sure, but I know it is not very much—without jeopardizing by an iota, America's security.

□ 1740

There is a great disparity between the military spending policy that President Bush continues to advocate and reality. The President is in a bit of intellectual dilemma. On the one hand, he wants to take credit for the victory America has won in the cold war, and as the leader of this country he is entitled to do that because this country, I believe on a bipartisan basis, with the executive and legislative support and a good luck to you from the judiciary, I believe that we are together entitled to claim that victory from a series of policies which began in the late forties and with great continuity in their essentials carried on until fairly recently; but at the same time the President wants to claim credit for the ending of the cold war and indeed for America's victory in the cold war, he wants to deny the logical consequences of that, because the logical consequences are that we need not spend as much money as we have been spending.

Let us look specifically at America's military needs. The single biggest part of America's military spending for much of this past period has been in NATO. We have spent tens and tens of billions of dollars a year. We do not know exactly how much, but thanks to an amendment that was sponsored by members of that coalition I referred to earlier and the House voted for it over the administration's objection, we are starting to get some accounting of how much of the spending we are doing is on behalf of our allies.

We have spent the largest single piece of American defense spending in a mission division of that spending on protecting Western Europe against a ground attack in which the Russians led the Warsaw Pact westward.

Today, as Poland, Hungary, Czechoslovakia, now even Albania struggle to try to bring to their citizens simultaneously democracy and a decent standard of living, as nations like Poland, Czechoslovakia and Hungary grapple painfully, visibly and courageously with the terrible problems of leaving behind a totalitarian regime that has been imposed on them from the outside, debilitated their economy and degraded their societies, as they work on that struggle, we are doing as a nation very little to help them financially.

Why? Because we cannot afford today to help Poland reach democracy. We are too busy spending money protecting France and Denmark from a Polish invasion.

Now, that sounds ludicrous, except for the fact that we are doing it. The United States continues today to have in Western Europe nearly 300,000 fully armed fighting men and women. We have one of the most impressive overseas military forces in the history of the world in firepower in Western Europe today.

Why did it go there in the first place? To keep Russia, Poland, Czechoslovakia, Hungary, East Germany, Bulgaria, Albania, Romania and originally, but not for very long, Yugoslavia from attacking the West.

Why is it still there? There is no more Warsaw Pact. There is no more East Germany. It is part of Germany.

In fact, Mr. Speaker, there are Russian troops still, we are told, in Europe. That is true. They are in Germany and they are being paid for in part by the German taxpayers.

Understandably, the Russians could not take their troops out of East Germany so quickly because they have nowhere to live in Russia, given the state of the Russian economy, an economy which was disabled in civilian terms so that the Russians could compete with us militarily, and I can understand the Russians' reluctance to bring home these troops when they have nowhere to live. It is a problem for any society when you have homeless people, heavily armed homeless people running around with Kalashnikov's probably more than anybody could be asked to bear. So the Russians brought them to Germany and the Germans are paying to support those Russian troops.

Now, there are also American troops in Germany. We put the American troops in Germany to protect the Germans from the Russian troops. But who is paying for the American troops? Mostly the Americans.

So the situation today in the world is that there are American and Russian troops in Germany. The Russian troops in Germany are being supported substantially by German taxpayers. The American troops that are in Germany to protect the Germans against the Russian troops that the Germans are paying for are being paid for by American taxpayers. That is not very smart, Mr. Speaker. That is not a very good use of money.

I do not think those Russian troops who are in Germany because they have got nowhere to live back home in Russia are a terrible threat to Western Europe. I know the Polish troops are not and the Czech troops and the Hungarian troops, and in fact if at any time during the last five or seven years you had said to the people in the Pentagon, "Look, I can guarantee you that there will be no Polish, Hungarian, Czechoslovakian, East German, Bulgarian participation in any military action. If the Russians want to invade Western Europe, they will have to do it by themselves." The Pentagon would have

told you, as they have told me, "Well, that's the end of that. We have nothing to worry about."

But we still have 300,000 troops there. We still have on this very wealthy continent of Western Europe, these thriving prosperous democracies, one of the largest overseas military forces any nation has ever maintained for a sustained period of time. The only thing that has changed is that the threat against which they serve has disappeared, and I stress disappeared. Nobody believes there is a threat of a Russian-led invasion on the ground of Western Europe.

People have said, "Well, is that irreversible?"

Yes, this part is for any foreseeable future; that is, it is inconceivable that the Russians would succeed in reharnessing the Poles, Czechs, Hungarians, Bulgarians, East Germans, et cetera, into a military alliance which they would lead. Nobody thinks that is going to happen.

We are not talking now about the relative balance of power of the right and the left in Russia. For there to need to be a NATO as of old, there would have to be a Warsaw Pact as of old, and there cannot be, so that is gone.

As to irreversibility in Russia, I do not know if anybody can say. It is hard for us to predict what will go on in the Soviet Union because it is hard for them to predict. Things have gotten more democratic, but efforts to predict exactly what is going to happen with Gorbachev, you recall the story that was told in 1964 of the CIA high-ranking official who was criticized because the CIA had not predicted the very rapid overthrow of Khrushchev. He was criticized. Someone said, "You probably don't have very good sources in the Kremlin."

He said, "Yes, we do. Why do you say that?"

So they said, "Well Khrushchev got overthrown and you didn't see it coming."

His response was, "Well, Khrushchev had great sources in the Kremlin. He didn't see it coming either." Some things are not always predictable, because nobody knows, and I do not think Gorbachev can tell you exactly what is going to happen.

But whether or not Gorbachev stays in power, the degree of democracy in Russia is important to the Russian people. We should be doing what we can to influence that in the democratic direction.

But it is one thing to say that we cannot predict whether or not there will be more or less repression in Russia. It is another to say therefore there may be a return to full-blown military strength of the Warsaw Pact. That is simply nonsense. That cannot happen, and that is why we have NATO.

Remember, NATO exists generally outside the strategic balance. NATO was not to deter the strategic war between America and Russia. It was to protect our European allies against an attack by the Warsaw Pact. There is no more Warsaw Pact.

And of course, we have European allies now which are collectively, the European NATO countries, larger than the United States, as wealthy as the United States and fully capable of defending themselves.

Then let us look at the military balance in the United States vis-a-vis the Soviet Union. We have not yet reached a point where we can completely relax vis-a-vis the Soviet Union. I think we are rapidly approaching it, but nations are entitled to a margin of safety, and I think we should maintain that. I think we should maintain our nuclear submarines which prowl the oceans undetected by the Russians, with their MIRV warheads, a B–1 bomber set with a cruise missile, a Minuteman missile in the silo, that is more than enough to deter any rational Russian, especially today, from starting a nuclear war, a nation of the Soviet Union which has been weakened substantially by a degree of internal dissention that is far worse than anything we have seen in this country for 125 or 135 years.

□ 1750

So, realistically, we can reduce by a very substantial amount the tens of billions we spend every year to protect Western Europe against a ground attack. We can also jettison things like the B–2 bomber, the MX, and Midgetman missiles, those weapons which were intended to continue to expand our nuclear delivery capacity vis-a-vis a Soviet Union which was arguably expanding its nuclear capacity.

We can scale down substantially the SDI, the strategic defense initiative that was to protect us against thermonuclear attack which was, frankly, never realistic. That notion of the overarching shield in the sky was the product of one of the few genuinely creative moments Ronald Reagan ever had when he made that thing up. George Bush says he still wants an SDI because, for political reasons, he has to keep faith with that concept of the President. But if you look at George Bush's as opposed to Ronald Reagan's SDI, they are very different. The Bush one is more realistic, except for the money they want to spend.

So we can save substantially in that area. Let us look at the rest of the world.

Let us look at Japan. Today, as we stand here, the United States is spending, according to the latest figures I have seen, $5 billion a year over and above what the Japanese reimburse us for to defend Japan. As against what? Nobody thinks that Japan today faces any substantial military threat, and that includes in the "nobody" the Japanese. The Japanese are more afraid of an invasion of Mutant Ninja Turtles than they are of an attack by the Soviet Union or China.

All the Japanese are afraid of with regard to the Soviet Union and China is that somebody might beat them to the punch in developing the markets.

If the Japanese were really frightened of that, then I would expect them fully to fund the American military presence there because I think that is what the solution ought to be. We ought to say to our friends, as they are a friend, the Japanese, and I think one of the things about which America can be very proud is the role America played in the evolution of Japan to the position it has today.

After World War II the United States occupied Japan and, in a very, very generous set of policies, helped the Japanese find themselves economically and politically. Japan is today an extraordinarily prosperous and successful nation with a functioning democracy of which the Japanese are entitled to be fully proud. And is it they who are entitled most of all to be proud; nations do not have that done for them, they do it themselves. The Japanese have done it for themselves.

But to the extent that America can have an influence, it is in the right direction.

We should nuture that relationship.

But to subsidize the Japanese by $5 billion a year on our military against nonexistent threats to them is, again, very stupid. This is a policy that dates from 1960.

NATO was from 1949. The fundamental fact in the American national security today is cultural lag. We cannot get adjusted to current realities.

NATO, in 1949 we started it, and it was a very good idea then, and it was necessary for most of its life. It has outlived its usefulness. In fact, in 1989, when NATO had its 40th anniversary, I wanted to send all of our NATO allies telegrams that said, "Happy Birthday. Now why don't you get out of the house and live on your own? Uncle is getting tired of picking up all these tabs." With regard to the Japanese, what made sense in 1960, a heavy American subsidy of their defense against the Communist menace is no longer sensible, for two reasons: First, they are not menaced by the Communists; second, they can afford to pay for whatever defense they need.

I do not mean by this to urge the Japanese to rearm. I do not believe they should rearm.

If I lived in Japan, I would not vote for that.

I also think that would be destabilizing. I also think the Japanese are too smart to rearm. They understand one of the great advantages thay have had in the world is that the United States was spending six times its GNP on the military than they were, in percentage terms. That has been one of the rea-

sons the Japanese have been able to do so well in the civilian economic area. Having your No. 1 economic competitor bogged down by a need to spend six times as much as you in a relatively unproductive form of expenditure, that is, national defense, unproductive in terms of your ability to compete in the world with civilian goods, that is a great boon. The Japanese are not about to give that away.

So, I think it is a false argument to say, "Well, if we cut back the Japanese, they will rearm." What the Japanese should do instead is compensate us dollar for dollar for every bit of defense we provide for them.

Now, people said, "you know, we can't have that, that would make America into mercenaries." Well, I disagree with that. Fundamentally, a mercenary is someone who puts his gun out for hire to the highest bidder. Mercenaries need no common moral purpose. When you read Soldier of Fortune magazine—I am told—there are people who hire themselves out. They do not always inquire into the moral purposes of the people who are going to hire them. Certainly, that is not the role of mercenaries through history. I do not know that the Hessians preferred King George to George Washington on philosophical terms. I do not know that they were monarchists as opposed to Lockeans.

He had more money to pay them. It does not make America mercenaries if we put our military might at the service of people with whom we share a moral purpose but ask them to help pay for it. I do not think the American troops in the gulf were mercenaries because in the end the rest of the world, for once and what I hope will be a precedent, deferred or defrayed the cost, so it did not cost the American taxpayers disproportionate amounts.

Besides which those who say we should not be mercenaries are not saying that the Americans, American forces, should not go to the defense of other nations. The choice is not between being a mercenary and staying home. The choice is between being a mercenary and being stupid. Because what they say is, "Well, we can't accept money for doing that. Let's do it for nothing."

I do not understand the moral superiority of borrowing money to do it rather than asking very wealthy nations to pay for it if they can. And the Japanese can, if they feel threatened.

My guess is that if we said to the Japanese, "We would like you to pay us dollar for dollar for the military protection we are supplying to you on the islands of Japan," they would suddenly feel less threatened. I am using good conservative economics here.

When people get a good for free, they will use a lot more of it than if they have to pay for it.

My guess is the Japanese feel a lot more threatened when they get Americans for virtually nothing than if they were going to have to pay for the Americans they were getting for nothing.

Now, the Japanese are paying something. By vote of this House a year ago in an amendment sponsored by the gentleman from Michigan, the chief deputy whip, we forced them to increase some. And they have increased it. It was over the objection of the President, who thought it unseemly of us to ask a very wealthy nation to help defray the cost we incur in protecting them. Fortunately, the President's position was not agreed to, and we are getting some more.

But the Japanese say, "Well, we are paying what the 1960 treaty requires." But that was 1960, this is 1991. Russia, China, Japan, they were all very different in 1960. We were different. We did not have such enormous deficits.

That also applies to South Korea. The South Koreans have 43,000 American troops. They do face more of a threat. The North Korean Government is run by people of a sort whom I would feel safe to say they could not even drive cars much less run countries.

But South Korea is bigger than North Korea, has a better economy than North Korea. There is no reason why 43,000 American ground troops should be there. The promise of American air and sea support if they were to be attacked by North Korea, I am all for that. A couple of thousand ground troops, as an earnest of that, very good idea.

But 43,000 troops and all that costs us year after year? We got it down to 36,000 after a lot of pressure from here, over the President's reluctant agreement.

By the way, the North Koreans used to be more threatening, it seems to me, when they had Russian and Chinese support. They do not have it any more.

The Russians and the Chinese have largely backed away from the North Koreans, who continue to be brutal and unattractive and threatening people.

But their capacity to overwhelm South Korea on their own without Chinese and Russian support is not what it used to be. And there is no need for us to keep 43,000 troops there.

Now, we have bases in the Philippines. I am prepared to offer American economic assistance to the Philippines. My argument is not that America should not be providing aid to other countries. We do not do enough to help the Latin American countries with their debt problem in a way that would help democracy. We contribute to the discrediting of democracy now because we identify democracy with the degree of very unpleasant austerity in the minds of some people.

We ought to do a great deal more to help the starving people of Africa. Let me say in this context that I am proud of the statements that were made—I do not agree with all of them—but proud of the thrust of the statements the gentleman from Texas, who preceded me, made when he talked about the terrible problems of starvation, malnutrition, and hunger in Iraq. And, yes, I think we should be doing more to alleviate the plight of innocent human beings, young children and others in that country.

So this is not a plea for isolationism, but it is a plea for in fact saving money on our national security expenditures so that we have more to help among others in the foreign policy field.

□ 1800

The Philippines, if they need some money, let us talk about that. But we are in this unseemly fight now in which we are insisting that the Philippines; let us protect them, and let us pay them for the privilege. It destabilizes Filipino politics, and it makes no sense.

What are they out there for? We used to be out in the Philippines because the Russians had this major base in Vietnam. They do not have it anymore.

Cultural lag, Mr. Speaker; that is the hallmark of American military policy today. We were so successful at defending so much of the world against the Communist threat that the fact that that threat has substantially diminished, in large part because of our successes, does not persuade the people in the White House that the time has come to save the money, and that can be talked about elsewhere.

Mr. Speaker, I do not say we should pull back entirely the United States. I want us to have the nuclear deterrent I described before. I want us to have air and sea power stationed in various parts of the world so that we can help South Korea deter attacks from North Korea. I think we ought to continue to have a continued military presence in the Persian Gulf. We ought to have the capacity to send a couple hundred thousand troops places. But we do not need what we have today.

Mr. Speaker, what we have today gives us the capacity to do that plus station large fixed forces in western Europe, and Japan, and in South Korea, and in the Philippines and elsewhere. Let us diminish that capacity.

If the Pentagon will come in and say, "Here's what we need in terms of some forces stationed overseas, air and sea power dispersed, some central forces in reserve so that we can meet these trouble spots," that is fine. Now let us keep a deterrent. I am convinced we can do it for half of what we are now spending, $50 billion rather than $300 billion.

It cannot be, Mr. Speaker, that the collapse of the central military enemy of the United States during the postwar period, the collapse of that enemy, has virtually no fiscal consequences to the United States. Either we were spending way too little a few years ago,

but we are spending way too much now, and those who want to argue that we are spending way too little have to explain how come then we were so successful. Because we have not only been successful in persuading that Soviet Union to change, but in the one test of arms with an enemy after the Soviet Union, Iraq, we were overwhelmingly successful, beyond anybody's explicit predictions.

Mr. Speaker, we were told Iraq was the fourth largest army in the world. But the fourth largest army in the world did not last 2 or 3 days with the United States. Our air superiority was total. The United States, which is capable of doing what it did in Iraq, is one that can cut its military spending in half over the next 3-year period and not be in any way, shape or form threatened.

Now let me address here the argument, Mr. Speaker, of those who said, "Oh, yeah, but how did we get that way? By all that we spent in the 1980's," and I want to particularly address those who say that the very victory in Iraq and the victory in the cold war demonstrates how correct some of these military spending policies were. Some of them, yes. Remember there has been a consensus in the United States since the days of Harry Truman in NATO. There was a consensus that the United States should be doing what it has been doing. Overwhelmingly both parties, Presidents, Members of Congress of both parties, supported NATO. NATO was not controversial except early on among some of the isolation wing on the Republican side, but that is a phase of the Republican Party that has long since been left behind in history.

From NATO through the decision by Jimmy Carter to respond in Afghanistan there has generally been a very high degree of consensus when it came to an American military response against the Soviet Union. We argued over the margins. I will say, yes, that I think during the 1980's some people on the other side, and President Reagan in particular, and then George Bush, overspent. I do not think we ever needed the B–2 bomber, the mobile missiles. Those were the days of the six-sided triad, the triad of land, sea and air. We have nuclear submarines in the sea, the best place for submarines. We have a land-based missile of considerable accuracy. We have intercontinental nuclear bombers, the B–52 replaced by the B–1 with cruise missiles. We never needed, it seemed to me, strategically all the extras.

In fact, Mr. Speaker, those who argue that Iraq showed that big spenders of the Pentagon were absolutely right are in fact wrong. The big-ticket items over which we argued in the 1980s were not used in Iraq. Not only did we not use the B–2, obviously in Iraq we did not even use the B–1. We used the obsolete B–52. We were told how obsolete it was. We needed the B–1, the B–2. God knows how many B's they would have argued for if we had not won the cold war before they could reach it, and the B–52 turned out to be perfectly serviceable in Iraq.

The weapons used in Iraq, the high-tech, nonnuclear weapons were weapons that were overwhelmingly supported on both sides, in the House and in the Senate, during the 1970s and 1980s. The Patriot missile was not something that was fought by the left and supported by the right, killed by the Democrats, saved by the Republicans. The fighters that we used; that is simply not reality. What we used to win the war in Iraq represented the noncontroversial consensual parts of America's military budget. The parts over which we fought, Ronald Reagan's pie in the sky in the Strategic Defense Initiative, B–2, the MX, those very expensive weapons; those were not relevant to Iraq, as they are not relevant in other ways to the Soviet Union.

So, the argument, I think, is fairly clear. One can read the President's own speeches when he has been here a couple of times this year. He has talked about our victory in the cold war.

The question is: If we have won the cold war, as we have, how come we cannot save very much money? How come it turned out that we have to spend the same amount of money, having won the cold war, as we spent before?

Well, there are a couple of arguments. One, as I said, was that we cannot be sure the Russians will not revert once again to that level of threat.

Well, my conservative friends have always told me, and I did not argue, "You have to look at the capability of your enemy, not your intentions."

A little bit of a logical problem there because we have got to look at their intentions to decide if they are the enemy. I mean, when we looked at the rest of the world, decided on our military needs, we never assumed that the British and the French were going to attack us, so the British and the French we judged on their intentions, not their capabilities. I guess once one has bad enough intentions, we sort of swing into capability judgment.

Well, let us look at the Russians' capabilities. They "ain't" much today. This is a country that is in severe difficulty. An army of Russians, which includes people from the Baltic States, Assyris, and Armenians who hate each other, Georgians, Moldavians, people in revolt against central authority; it is not a great threat to a superpower like us. It is for a small nation, but not to a superpower, and we are the only superpower today. So, the likelihood that the Russians are going to be able to come back seems to me to quite slender, especially since nobody believes that what happened in eastern Europe is reversible.

People have said, "Oh, you're saying this is irreversible." Yes, let us proclaim the defection of the nations of the Warsaw Pact from Soviet military allegiance is irreversible. I am prepared, as I said before, to concede that given one reading of the history of Transylvania. The Ceausescus might come back to live in a particularly unattractive form. But I do not think that will be a military matter, and so the argument that we have got to keep up roughly the same level of spending because the cold war may come back is nonsense.

But then we were told, "Well, gee, you've got to deal with situations like Iraq." Well, the answer is that we dealt with an Iraq situation very swiftly while we were still dealing with the rest of the world.

The fact is that an America ready to deal with trouble spots the equivalent of Iraq is an America that can cut its military spending prudently in half over 3 years and still be the largest nation in the world partly, Mr. Speaker, because we have a right to say that one thing has changed, and here is one of the major attitudinal differences between the Democrat and Republican Parties. It was not inherent in the nature of ideology that this be the case, but that is the way it has worked. I would suggest later that I think there were some ideological situations for it. It is generally the Republican position that it is the United States obligation to do all this. If the rest of the world wants to chip in, that is fine. But we will promise them that we will do it whether they are there or not, that America will take it on, that America will spend the money, that the American taxpayers will be there. They call it, Mr. Speaker, the price of leadership, and it is the highest price in the world today. The price of leadership for the United States apparently is well over $100 billion a year on military expenditure to make the rest of the world feel better because, if one looks at our allies in Europe, if we look at our allies in Asia, if we ask them to make a 10- or a 15-percent increase in what they have been spending militarily, they can make up for our own losses. Instead, of course, they intend to cut even further than we do, and that is the funamental question: Is there an obligation on the part of the United States, now that we have helped nurture our allies to full strength, to continue to shoulder the burden for them?

□ 1810

Do we have some obligation to continue to spend six times as much as the Japanese on military defense because it is a defense that includes them and us? Do we have an obligation to spend twice as much as our European allies on the average? Do we have that obligation?

Now, I have said the first potential argument for our keeping up our spending militarily was that, well, we might have a resurgence of the Communist threat. That really is not what anybody seriously thinks.

The second argument, the one that I think is what really motivates the President and his Republican allies, is that this is the price of leadership; the price of leadership is to say to the American taxpayer, "You have got to continue to borrow and borrow and put your tax earnings behind that borrowing so that America can maintain this worldwide military network in which we spend far more than nations of a comparable degree of wealth so that we can be their leader."

Mr. Speaker, I think that fails as rational policy on a number of grounds. In fact, as we continue to spend unnecessarily militarily, we hinder our society from achieving far more important goals today. We have won the military race. We have not been doing nearly as well in the civilian race, and to continue this policy is to continue to lose leadership.

Let me say that leadership as a concept is one that I am a little distrustful of in the abstract. I would like America to be the leader in health. I would like us to be the leader in reducing childhood mortality. I would like us to be the leader in affordable housing. I do not think I agree with the kind of leadership the President is talking about as the primary goal, a leadership in which other nations defer to us in some foreign policy questions, in return for which we spend vast amounts of money and disable ourselves from dealing at home.

With that, Mr. Speaker, I will wind this up now and return to it tomorrow. That is the attitudinal question I want to address, because I think it is fairly clear that militarily there is no justification for us to be spending at the level we are now spending and project what we are going to spend. That is especially the case if we factor in the need for our allies to contribute.

In other words, Mr. Speaker, I think we can afford to spend less and still be secure and have our allies still be secure. If they doubt us, they can still spend. I am not telling them they cannot spend more. I think we can spend less. I think they could spend more if they have to. I predict that they will not because they are not really so afraid of the great unknown out there. They just figure that if we are going to pick up the tab, why not? If we think that is the way we can be the leader, they will play along with that. They will even insist that we do that. The Japanese see no inconsistency in telling us on the one hand to reduce our deficit and on the other hand insist that we continue to spend money to subsidize their defense against threats that they no longer fear, because they would rather have it than not have it if it does not cost them anything.

So the question then is, In the absence of military necessity, why do we continue to spend? I think if we look at the Reagan and Bush policies, not just in military spending but in trade and other areas, what we see is the decision by them that the most important goal is for the United States to continue to buy a leadership role in the world, primarily through military spending, but also by putting our own economic interests second in other areas. That, I think, is becoming the defining difference between the parties. It has not yet reached fruition, but I think it is there. If we look at the votes on burden-sharing, if we look at questions like most-favored-nation treatment for China, we may ask, why is the President so insistent on most-favored-nation treatment for China? Does anyone think it is because of trade? I do not think so. The Chinese do not believe in buying things. This is hardly a free enterprise economy. They have a very mercantilistic approach. George Bush believes that it will enhance America's political influence in the world if we give most-favored-nation treatment to China, but it will undoubtedly result in great economic advantage to the Chinese and no great economic advantage to us. In fact, on the whole, for a while it will result in economic disadvantage to America as a society. But that is an example of the approach they take.

So this is the approach both with trade, where America's economic interests are really put somewhat second to our political interests in the world, and in the military area, where we continue to spend at a level unjustified by military necessity to make our allies happy. And that is what we are told, by the way, about Europe, that we have to spend this money to reassure our allies. We are told that we have to keep the troops in Japan to reassure the Japanese, that we have to keep our troops in South Korea to reassure the South Koreans.

Mr. Speaker, how come nobody ever reassures us? How come we always reassure everybody else, and how come, when we reassure them, it always costs us billions of dollars? Why can we not be friends? Why can we not reassure each other mutually and inexpensively?

We hear the argument that America must continue to spend at virtually our current levels and only gradually reduce, and reduce to a level that will still be too high. George Bush says, "OK, I don't need that many troops in Europe. I need 200,000 troops in Europe."

Mr. Speaker, I do not know an adult who can tell me what 200,000 American troops are going to be doing there in 2 years or 3 years or next month. But George Bush wants to keep them there because they will help enhance America's leadership.

I will return later this week, Mr. Speaker, and that is a prospect I know you can bear with equanimity since you will not be in the chair, and I will elaborate on what I think the answers are to these questions.

COMMEMORATING THE 10TH ANNIVERSARY OF THE "I HAVE A DREAM" PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 60 minutes.

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to an enormously successful education program which has made a real difference in the lives of thousands of American youngsters: The "I Have a Dream" Program founded by Eugene Lang.

The "I Have a Dream" program combines a comprehensive early intervention program to ensure that disadvantaged youngsters remain in school and succeed at their studies, and an early guarantee of student aid to provide them with the means of attending college. It has been recognized around the Nation as a uniquely successful approach to motivating students and ensuring that they complete their studies. In fact, at this point, almost 200 individuals are sponsoring 141 projects in 41 cities.

The program was founded in 1981 when Eugene Lang adopted the entire sixth grade of his original alma mater, P.S. 121 in Harlem. He promised to send these youngsters to college if they stayed in school and earned their high school diplomas. However, recognizing that the odds were stacked against many of these inner city youths, Mr. Lang also developed and implemented a comprehensive early intervention program to assist them in overcoming the many obstacles they faced.

This early intervention program proved uniquely successful in large part because of the intensive personal attention to students by their highly motivated and caring sponsor, Mr. Lang. In fact, 10 years later, more than 90 percent of those who began the program have achieved high school diplomas or GED certificates, and more than half of them are attending college.

Across the Nation, other concerned individuals have joined in showing youngsters this same type of caring and personal attention. As a result, almost 10,000 children have benefited from this invaluable program, which helps them to become productive citizens and gives them the strength to make their dreams realities.

Today, in New York City, more than 300 "I have a Dream" sponsors and program participants have convened for their annual convention—which is also a 10th anniversary celebration. On this occasion, I believe it is extremely important for Congress to express its congratulations to the program's founder, Mr. Lang, and to its many participants. They are true foot soldiers in the battle to save our Nation's children—and our Nation's economy.

In this spirit, I would like to enter into the RECORD at this point a letter which was re-

cently sent by 20 members of the Education and Labor Committee to Mr. Lang, commending him on his extraordinary accomplishments in creating this program and replicating it around the Nation.

I know that all Members of Congress—and all concerned citizens—join in wishing the "I Have a Dream" Foundation the very best on this very important occasion. Certainly, if our Nation is to help our Nation's children transform their dreams into realities, it will be through the good works of enormously effective groups such as the "I Have a Dream" Program.

It will also be through the generosity and commitment of leaders such as Eugene Lang. I have known Eugene Lang personally for many years and he is deeply compassionate, visionary, and hardworking. Our Nation must not only replicate the "I Have a Dream" Program, but we must also find more leaders who are as forward-looking and results-oriented as Eugene Lang.

Mr. Speaker, I submit the full letter sent by the Education and Labor Committee to Eugene Lang and the "I Have a Dream" Foundation for printing in the RECORD at this point.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 20, 1991.

Mr. EUGENE LANG,
"I Have a Dream" Foundation, 100 East 42nd Street, New York, NY.

DEAR MR. LANG: As Members of the House Education and Labor Committee, we are writing to commend you for your outstanding work to increase the educational opportunity for disadvantaged students in the United States.

We are deeply grateful to you for creating the "I Have a Dream" program, which will shortly celebrate its tenth anniversary. This program has been uniquely successful in offering newfound hope to our nation's disadvantaged students. As a result of this program, more than 10,000 children in 41 cities have beaten the odds by completing high school and using an "I Have a Dream" scholarship to attend college and pursue their dreams.

Your concern and generosity, as well as that of the other special people who are involved in the "I Have a Dream" program, is exemplary and has helped this program achieve its enormous success. It is the personal intervention of caring individuals such as yourself which has helped the "I Have a Dream" program make a lasting difference in the lives of so many young people.

The unique success of this program has been an inspiration not only to the many children you have helped, but to all of us. You have demonstrated how one citizen can make an enormous contribution to the lives of countless others. Your creativity, commitment, and perseverance has significantly expanded opportunities for our youth. Further, it is helping our nation create the skilled workforce we need to remain competitive in the 21st Century.

The "I Have A Dream" program has also demonstrated the important role of private sector initiatives in improving education and increasing opportunity for our young people. We are hopeful that the comprehensive program will inspire other members of the business community to develop similar programs.

Again, we wish to congratulate you on 10 years of remarkable success. You, along with everyone else involved in "I Have a Dream," should be very proud of all the good work you have accomplished. We hope that "I Have a Dream" program will continue to grow and flourish.

Sincerely,

Nita M. Lowey, Tom Sawyer, Charles A. Hayes, Robert E. Andrews, Dale E. Kildee, Jack Reed, William D. Ford, Pat Williams, Tim Roemer, Patsy T. Mink, Tom Petry, Carl C. Perkins, Jolene Unsoeld, Major Owens, Bill Clay, Steve Gunderson, Donald M. Payne, Tom Coleman, Susan Molinari, and George Miller.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS (at the request of Mr. MICHEL), for today, on account of illness in the family.

Mr. KLUG (at the request of Mr. MICHEL), for today, on account of official business.

Mr. SKELTON (at the request of Mr. GEPHARDT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. LOWEY of New York, for 60 minutes, today.

Mr. FRANK of Massachusetts, for 60 minutes each day, on June 26, 27, and 28.

Mr. FALEOMAVAEGA, for 60 minutes, on June 25.

Mr. ANDREWS of New Jersey, for 5 minutes, on June 26.

Mr. LIPINSKI, for 5 minutes each day, on July 9, 16, 23, and 30, and for 60 minutes each day, on July 10, 17, 24, and 31.

Mr. GONZALEZ, for 60 minutes each day, on July 8, 11, 15, 18, 19, 22, 25, and 26.

Mr. OWENS of New York, for 60 minutes each day, on July 22, 23, 24, 25, and 26.

(The following Members (at the request of Mr. THOMAS of Wyoming) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of California, for 60 minutes each day, on June 24, 25, 26, and 27.

Mr. MCCOLLUM, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes each day, today and on July 10, 11, 16, 17, and 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. THOMAS of Wyoming) and to include extraneous matter:)

Mr. DAVIS.
Mr. BROOMFIELD.
Mr. LAGOMARSINO.
Mr. HORTON.
Mr. PORTER in two instances.
Mr. DICKINSON.
Mr. MCEWEN in two instances.
Mr. COUGHLIN.
Mr. MCDADE.
Mr. FAWELL in two instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. ROSTENKOWSKI.
Mr. DE LUGO.
Mr. NEAL of Massachusetts in two instances.
Mr. SOLARZ.
Mr. LANTOS.
Mr. SCHEUER.
Mr. VENTO.
Mr. MATSUI.
Mr. STOKES.
Mr. MCCURDY.
Mr. TORRICELLI.
Mr. FAZIO in two instances.
Mr. ROE.
Mr. JONES of North Carolina.
Mr. FORD of Michigan.
Mr. MURTHA.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 249. An act for the relief of Trevor Henderson; to the Committee on the Judiciary.

ADJOURNMENT

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 25, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1601. A letter from the Chairman, Prospective Payment Assessment Commission, transmitting a report on reimbursement for blood clotting factor for hemophilia patients under part B of title XVIII of SSA, pursuant to Public Law 101-239, section 6142 (103 Stat. 2225); to the Committee on Ways and Means.

1602. A letter from the Chief of Legislative Liaison, Department of the Army, transmitting notification that a cost-comparison study of the training and audiovisual services at Fort Rucker, AL, has resulted in a decision that contract performance is more cost effective, pursuant to Public Law 100-

463, section 8061 (102 Stat. 2270-27); to the Committee on Armed Services.

1603. A letter from the Chief of Legislative Liaison, Department of the Army, transmitting notification that a cost-comparison study of the commissary storage and warehousing function at Fort Rucker, AL, has shown that an in-house operation is the most cost efficient, pursuant to Public Law 100-463 section 8061 (102 Stat. 2270-27); to the Committee on Armed Services.

1604. A letter from the Chief of Legislative Liaison, Department of the Army, transmitting notification that a cost-comparison study of the Commissary and storage warehousing function at Fort Jackson, SC, has shown that an in-house operation is the most cost efficient, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Armed Services.

1605. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1606. A letter from the Chairman (Pension Committee), Federal Intermediate Credit Bank of Jackson, transmitting the annual pension plan report for the plan year ending December 31, 1990, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1607. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949 to authorize executive agencies to establish more than one supply source for a particular commodity or service; to the Committee on Government Operations.

1608. A letter from the Inspector General, General Servcies Administration, transmitting a copy of the audit report register, including all financial recommendations, for the 6-month period ending March 31, 1991; to the Committee on Government Operations.

1609. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the annual report entitled "Smithsonian Year 1990"; to the Committee on House Administration.

1610. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the report of the Proceedings of the Judicial Conference of the United States held on March 12, 1991, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

1611. A letter from the Director of the Office of Personnel Management, transmitting a draft of proposed legislation to make technical and conforming changes in title 5, United States Code, and the Federal Employees Pay Comparability Act of 1990, and for other purposes; to the Committee on Post Office and Civil Service.

1612. A letter from the Chairman, Interstate Commerce Commission, transmitting a draft of proposed legislation to amend Title 49, United States Code, to impose a 1-year moratorium on rate tariff filing requirements for motor common carriers of property, and for other purposes; to the Committee on Public Works and Transportation.

1613. A letter from the Chairman, Interstate Commerce Commission, transmitting a draft of proposed legislation to amend the Interstate Commerce Act to modify the Interstate Commerce Commission's regulatory responsibilities over the trucking industry, and for other purposes; to the Committee on Public Works and Transportation.

1614. A letter from the U.S. Trade Representative, transmitting a report entitled "Year-End Review, 1990" of the Defense Policy Advisory Committee on Trade; to the Committee on Ways and Means.

1615. A communication from the President of the United States, transmitting the annual report on international activities in science and technology for fiscal year 1990, pursuant to Public Law 101-339, (104 Stat. 384); jointly, to the Committees on Foreign Affairs and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judicary. H.R. 1998. A bill to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities. (Rept. 102-122). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 2332. A bill to amend the Immigration Act of 1990 to extend for 4 months the application deadline for special temporary protected status for Salvadorans; with an amendment (Rept. 102-123). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 1341. A bill to amend title 5, United States Code, to require that a Federal employee be given at least 60 days' written notice before being released due to a reduction in force; with an amendment (Rept. 102-124). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 543. A bill to establish the Manzanar National Historic Site in the State of California, and for other purposes; with an amendment (Rept. 102-125). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 848. A bill to authorize the establishment of a memorial at Custer Battlefield National Monument to honor the Indians who fought in the Battle of the Little Bighorn, and for other purposes; with amendments (Rept. 102-126). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 1448. A bill to amend the Act of May 12, 1920 (41 Stat. 596), to allow the city of Pocatello, ID, to use certain lands for a correctional facility for women, and for other purposes; with an amendment (Rept. 102-127). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROE: Committee on Public Works and Transportation. H.R. 14. A bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants; with an amendment (Rept. 102-128). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHEAT: Committee on Rules. House Resolution 181. Resolution waiving certain points of order during consideration of H.R. 2699, a bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes (Rept. 102-129). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EVANS:

H.R. 2729. A bill to authorize the Secretary of Transportation to redesignate the numerical designation of certain Interstate System highway routes, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ROSTENKOWSKI:

H.R. 2730. A bill to amend the Internal Revenue Code of 1986 to simplify provisions applicable to qualified retirement plans and to expand access to such plans; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself and Mr. SCHIFF):

H.R. 2731. A bill to amend section 2680(c) of title 28, United States Code, to allow Federal tort claims arising from certain acts of customs or other law enforcement officers, and to amend section 3724 of title 31, United States Code, to extend to the Secretary of the Treasury the authority to settle claims for damages resulting from law enforcement activities of the Customs Service; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 2732. A bill to extend until January 1, 1995, the suspension of duties on certain glass fibers; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 2733. A bill to provide for immediate delivery of small denomination U.S. savings bonds available to the public at the point of purchase; to the Committee on Ways and Means.

H.R. 2734. A bill to provide for immediate delivery of U.S. savings bonds available to the public at the point of purchase; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (for himself, Mr. ANDREWS of Texas, Mr. MCGRATH, Mr. ANTHONY, Mrs. KENNELLY, Mr. ARCHER, and Mr. THOMAS of California):

H.R. 2735. A bill to amend the Internal Revenue Code of 1986 to repeal the 30-percent gross income limitation applicable to regulated investment companies, and for other purposes; to the Committee on Ways and Means.

By Mr. MCDADE:

H.R. 2736. A bill to authorize additional appropriations for the purposes of the Steamtown National Historic Site in Scranton, PA; to the Committee on Interior and Insular Affairs.

By Mr. MCDERMOTT (for himself, Mr. MILLER of California, Mr. CAMPBELL of Colorado, Mr. RHODES, and Mr. JOHNSON of South Dakota):

H.R. 2737. A bill to provide that a portion of the income derived from trust or restricted land held by an individual Indian shall not be considered as a resource or income in determining eligibility for assistance under any Federal or federally assisted program; jointly, to the Committees on Interior and Insular Affairs and Ways and Means.

By Mr. MACHTLEY:

H.R. 2738. A bill to amend title 38, United States Code, with respect to benefits for individuals who may have been exposed to ion-

izing radiation during military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MANTON:

H.R. 2739. A bill to amend the Coastal Zone Management Act to prohibit the authorization of, or to operate any vessel on, the coastal waters to provide criminal detention or imprisonment facilities; to the Committee on Merchant Marine and Fisheries.

By Mr. VENTO:

H.R. 2740. A bill to amend the Internal Revenue Code of 1986 to provide for a simplified method of allocating expenses in case of use of a residence in providing day care services; to the Committee on Ways and Means.

By Mr. VISCLOSKY:

H.R. 2741. A bill to direct the Attorney General to establish in Lake County, IN, an office of the Immigration and Naturalization Service; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mr. WOLF, and Mrs. BENTLEY):

H. Con. Res. 173. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby; to the Committee on Public Works and Transprotation.

By Mr. SOLARZ:

H. Con. Res. 174. Concurrent resolution concerning relations between the United States and the People's Republic of China; jointly, to the Committee on Ways and Means and Foreign Affairs.

By Mr. GONZALEZ:

H. Res. 180. Resolution expressing the sense of the House of Representatives that the United States should act on an emergency basis to lift the economic embargo of Iraq; to the Committee on Foreign Affairs.

By Mr. STUDDS (for himself, Mr. YOUNG of Alaska, Mr. JONES of North Carolina, and Mrs. UNSOELD):

H. Res. 182. Resolution to express the sense of the House of Representatives that the Secretary of State should encourage the European Commission to vote to ban all large-scale drift net fishing by all European Community fishing fleets; to the Committee on Merchant Marine and Fisheries.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

197. By the SPEAKER: Memorial of the Legislature of the State of Minnesota, relative to the crisis in the Midwest dairy industry; to the Committee on Agriculture.

198. Also, memorial of the House of Representatives of the State of Florida, relative to Homestead Air Force Airbase; to the Committee on Armed Services.

199. Also, memorial of the House of Representatives of the State of Maine, relative to Loring Air Force Base; to the Committee on Armed Services.

200. Also, memorial of the House of Representatives of the State of Michigan, relative to the automotive industry; to the Committee on Energy and Commerce.

201. Also, memorial of the House of Representatives of the State of Illinois, relative to Social Security benefits; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 46: Mr. BEILENSON, Ms. KAPTUR, and Mr. CAMPBELL of Colorado.

H.R. 47: Mr. JEFFERSON and Mr. CAMPBELL of Colorado.

H.R. 112: Mr. HEFLEY.

H.R. 179: Mr. JONES of Georgia.

H.R. 194: Mr. TOWNS.

H.R. 318: Ms. MOLINARI, Mr. GUARINI, Mr. HORTON, and Mr. WOLPE.

H.R. 583: Mr. WISE.

H.R. 650: Mr. GIBBONS.

H.R. 673: Mr. PERKINS, Mr. SMITH of Florida, Mr. MARTIN, Mr. LIPINSKI, Mr. BREWSTER, Mr. VENTO, Mr. CONYERS, and Mr. WASHINGTON.

H.R. 776: Mr. WISE.

H.R. 777: Mr. WISE.

H.R. 778: Mr. WISE.

H.R. 779: Mr. WISE.

H.R. 780: Mr. WISE.

H.R. 830: Mr. ESPY.

H.R. 951: Mr. BENNETT, Mr. ECKART, Mrs. JOHNSON of Connecticut, and Mr. GEJDENSON.

H.R. 967: Mr. GAYDOS.

H.R. 1022: Mr. BRYANT, Mr. ENGEL, and Mr. MRAZEK.

H.R. 1092: Mr. RAHALL and Mr. MCEWEN.

H.R. 1110: Mr. HUGHES.

H.R. 1130: Mr. YATES.

H.R. 1147: Mr. YATES, Mr. FROST, Mr. TORRICELLI, Mr. HYDE, and Mr. ARMEY.

H.R. 1367: Mr. WEISS, Mr. TAYLOR of Mississippi, Mr. HOCHBRUECKNER, and Mrs. BOXER.

H.R. 1400: Mr. GILLMOR, Mr. LEWIS of Florida, Mr. NICHOLS, Mr. HAMMERSCHMIDT, Mr. SCHAEFER, Mr. STEARNS, Mr. CHANDLER, and Mr. JOHNSON of Texas.

H.R. 1429: Mr. MCCRERY, Mr. SUNDQUIST, and Mr. LAGOMARSINO.

H.R. 1453: Mr. MATSUI and Mr. ENGEL.

H.R. 1472: Mr. LIGHTFOOT, Mr. TRAFICANT, Mr. CRAMER, Mr. TAUZIN, Mr. STALLINGS, Mr. OXLEY, and Mr. SOLOMON.

H.R. 1489: Mr. JONES of North Carolina.

H.R. 1527: Mrs. UNSOELD, Mr. DICKS, Mr. SKEEN, and Mr. SAWYER.

H.R. 1556: Mr. MOODY.

H.R. 1557: Mr. ZIMMER, Mr. MARTIN, Mr. VANDER JAGT, Mr. FORD of Tennessee, Mr. HOUGHTON, Mr. STUDDS, Mr. HEFLEY, and Mr. FOGLIETTA.

H.R. 1601: Mr. MAVROULES.

H.R. 1677: Mr. ESPY.

H.R. 1703: Mr. LEVIN of Michigan and Mr. WHEAT.

H.R. 1883: Mr. WYLIE.

H.R. 1958: Mr. MRAZEK, Mr. LAFALCE, Mr. GREEN of New York, and Mr. NOWAK.

H.R. 2030: Mr. DWYER of New Jersey.

H.R. 2059: Ms. NORTON, Ms. KAPTUR, Mr. WALSH, Mr. LAGOMARSINO, and Mr. YOUNG of Alaska.

H.R. 2115: Mr. DOOLITTLE.

H.R. 2235: Mr. ESPY.

H.R. 2242: Mr. RICHARDSON, Mr. BRYANT, Mr. DELLUMS, Mr. DURBIN, Mr. SWETT, Mr. WILLIAMS, Mr. FROST, and Mr. BRUCE.

H.R. 2280: Mr. INHOFE.

H.R. 2336: Mr. PETERSON of Florida, Mr. WOLPE, Mr. ROHRABACHER, Mr. ANDREWS of Maine, and Mr. WASHINGTON.

H.R. 2361: Mr. SOLOMON.

H.R. 2393: Mr. DWYER of New Jersey.

H.R. 2394: Mr. DWYER of New Jersey.

H.R. 2452: Mr. LAFALCE and Mr. LEVIN of Michigan.

H.R. 2460: Mr. HOUGHTON, Mr. LENT, Mr. WALSH, and Mr. GALLEGLY.

H.R. 2470: Mr. DOOLITTLE, and Mr. CAMP.

H.R. 2488: Mr. VISCLOSKY.

H.R. 2503: Mr. DUNCAN and Mr. POSHARD.

H.R. 2525: Mr. INHOFE.

H.R. 2553: Mr. SANTORUM, Mr. JONES of Georgia, Mr. WELDON, Mr. CRAMER, Mr. CAMP, and Mr. GILLMOR.

H.R. 2560: Mr. WISE.

H.R. 2566: Mr. TRAFICANT.

H.R. 2578: Mr. JONTZ.

H.R. 2584: Mr. LAGOMARSINO, Mr. ROEMER, Mr. PETERSON of Florida, and Mr. LANTOS.

H.R. 2675: Mr. SAXTON.

H.J. Res. 9: Mr. BEILENSON and Mr. CAMPBELL of Colorado.

H.J. Res. 11: Mr. CAMPBELL of Colorado.

H.J. Res. 23: Mr. ECKART, Mr. GUARINI, Mr. HOBSON, Ms. HORN, Mr. JEFFERSON, and Mr. MOORHEAD.

H.J. Res. 95: Mr. PAYNE of New Jersey, Mr. KOPETSKI, Mr. DICKS, Mr. CALLAHAN, Mr. MARKEY, Mr. MONTGOMERY, and Mr. WISE.

H.J. Res. 188: Mr. HANSEN, Mrs. MORELLA, Ms. LONG, Mr. WILSON, Mr. MARKEY, and Mr. SPRATT.

H.J. Res. 226: Mr. DERRICK, Mr. MOAKLEY, Mr. STUDDS, Mr. MCDERMOTT, Mr. SYNAR, Mr. SLATTERY, Mr. WHEAT, Mr. SPRATT, Mr. ECKART, Mr. CAMPBELL of Colorado, Mr. PENNY, Mr. BORSKI, Mr. TAYLOR of Mississippi, Mr. GONZALEZ, Mr. DIXON, Mr. DARDEN, Ms. SLAUGHTER of New York, Mr. SOLOMON, Mr. MCEWEN, Ms. DELAURO, Mr. WOLPE, Mr. GLICKMAN, Mr. MCMILLAN of North Carolina, Mr. SOLARZ, Mr. PALLONE, Mr. OLVER, Mr. ROE, Mr. PANETTA, Mr. HOCHBRUECKNER, Mr. BROOKS, Mr. REED, Ms. PELOSI, Mr. ANDERSON, Mr. RICHARDSON, Mr. BILBRAY, Mr. CARR, Mr. CONYERS, Mr. DEFAZIO, Mr. MAZZOLI, Mr. ANDREWS of Maine, Mr. ATKINS, Ms. MOLINARI, Mr. ENGEL, Mr. CARPER, Mr. DELLUMS, Mr. TRAXLER, Mr. KANJORSKI, and Mr. DONELLY.

H.J. Res. 228: Mrs. LOWEY of New York, Mr. JOHNSON of South Dakota, Mr. MAZZOLI, Mr. DICKINSON, Mr. YATRON, Mr. ECKART, Mr. HUBBARD, Mr. KOLTER, Mr. GAYDOS, Mr. THOMAS of California, Ms. KAPTUR, Mr. WYLIE, Mr. STARK, and Mr. BUNNING.

H.J. Res. 255: Mr. CONYERS, Mr. KLUG, Mr. BOUCHER, Mr. HUGHES, Mr. GRANDY, Mr. FRANKS of Connecticut, Mr. LAGOMARSINO, Mr. GUNDERSON, Mrs. BOXER, Mr. ACKERMAN, Mr. BACCHUS, Mr. VALENTINE, Mr. DE LUGO, Mr. HUTTO, Mr. HANSEN, Mr. LANCASTER, Mr. MARTIN, Mr. LIPINSKI, Mr. LEVIN of Michigan, Mr. MCDADE, Mr. LOWERY of California, Mr. MCGRATH, Mr. MILLER of Ohio, Mr. MOAKLEY, Mr. OBERSTAR, Mr. MURPHY, Mr. GAYDOS, Mr. OWENS of Utah, Mr. BLILEY, Mr. GUARINI, Mr. MOORHEAD, Mr. HASTERT, Mr. LENT, Mr. TRAFICANT, Mr. HEFNER, Mr. HAYES of Louisiana, Mr. RAVENEL, Mr. ROBERTS, Mr. ROE, and Mr. MAVROULES.

H. Con. Res. 43: Mr. WHEAT.

H. Con. Res. 170: Mr. LIPINSKI and Mr. HORTON.

H. Con. Res. 171: Mr. MILLER of Washington, Mr. MACHTLEY, Mr. DELLUMS, Mr. SCHUMER, Mr. OWENS of Utah, and Mr. HORTON.

H. Res. 131: Mr. RANGEL.

H. Res. 134: Ms. NORTON.

H. Res. 152: Mr. CAMP and Mr. GILLMOR.

H. Res. 167: Ms. PELOSI, Mr. VANDER JAGT, Mr. LEVINE of California, Mr. FORD of Tennessee, and Mr. ESPY.